

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
JUDITH S. BROWN,	:	
RESPONDENT.	:	LS0806122RBC

Division of Enforcement Case No. 04 RBC 016

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Judith S. Brown
3912 N. 94th Street
Milwaukee, WI 53222

Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Department of Regulation and Licensing (Department). The Department has reviewed this Stipulation and considers it acceptable. Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Judith S. Brown (D.O.B. 09/27/61) holds a certificate as a barbering and cosmetology instructor in the state of Wisconsin (license # 83-1399). This instructor’s certificate was first granted on July 22, 2002 and is current through March 31, 2009.
2. Ms. Brown’s most recent address on file with the Department of Regulation and Licensing is 3912 N. 94th Street, Milwaukee, WI 53222.
3. Ms. Brown is currently working as a barbering and cosmetology instructor at Milwaukee Area Technical College (MATC).
4. Ms. Brown was approved to take the barbering and cosmetology instructor’s exam in 2002 based, in part, on her submission of a Certification of Training signed by Claudia Banks, a licensed barbering and cosmetology instructor at MATC. By signing Ms. Brown’s Certification form, Ms. Banks certified that Ms. Brown graduated on January 16, 2002, from a barbering and cosmetology instructor’s course that consists of 150 hours of training and that complies with Wis. Stat. § 440.63 and Wis. Admin. Code § 65.03.

5. Wisconsin Admin. Code § RL 65.03 lays out the requirements for the 150 hour instructor training program as follows:

FIGURE 65.03
INSTRUCTOR TRAINING COURSE SYLLABUS

1. Orientation	14 hours
Goals, rules and review of curriculum	
2. Teaching Skills	64 hours
Objectives, competencies, methods, lesson planning, teaching techniques of the practical laboratory, interpersonal relations, evaluation and grading principles	
3. Facilitating/Managing Skills	32 hours
Classroom Management, communications, counseling, record keeping and safety/first aid	
4. Supervised Teaching (prerequisite: 1, 2 & 3)	40 hours
Practical applications on the clinic floor and basic skills of practical teaching techniques	
TOTAL TRAINING PROGRAM	150 hours

6. The Department’s investigation has revealed that Ms. Brown never successfully completed the 150-hour barbering and cosmetology instructor training program in compliance with Wis. Stat. § 440.63 and Wis. Admin. Code § 65.03. Ms. Brown was enrolled in the first semester of the barbering and cosmetology instructor program at MATC in the fall of 1999, but did not complete the course and did not receive course credit. Ms. Brown never re-enrolled in the first semester program and never enrolled in the second semester program, for which the first semester program is a prerequisite. Ms. Brown never graduated from a 150-hour barbering and cosmetology instructor course.

7. In lieu of enrolling in, and successfully completing and graduating from, the two-semester, 150-hour barbering and cosmetology instructor course at MATC, Ms. Brown completed an application for “advanced standing” on December 1, 1999, seeking credit for previous non-barbering and cosmetology coursework and teaching to effectively exempt her from taking both semesters of the instructor program. Ms. Brown is certified through the Wisconsin Technical College System to teach office technology, related business, and computer software courses. Ms. Brown submitted this application for “advanced standing” while she was enrolled in the first semester of the barbering and cosmetology instructor program at MATC.

8. On March 27, 2000, pursuant to MATC’s internal policy and procedure for granting advanced standing credit, the MATC associate dean granted Ms. Brown advanced standing that had the effect of exempting her completely from taking and successfully completing the two-semester, 150-hour barbering and cosmetology instructor program. Ms. Brown was given full credit towards the 150-hour instructor program based on her previous non-barbering and cosmetology college level coursework and non-barbering and cosmetology teaching experience.

9. Wisconsin Admin. Code § RL 65.03(2) allows a school offering a barbering and cosmetology instructor program to “grant credit counting towards the 96 hours required for successful completion of college level courses in teaching skills and facilitating/managing skills.” Wisconsin Admin. Code § RL 65.03 does not allow a school to grant credit towards the 14 hours of orientation or 40 hours of supervised teaching that are required as part of the 150-hour instructor training program.

10. Ms. Brown has never successfully completed the 14 hours of orientation or 40 hours of supervised teaching required under Wis. Admin. Code § 65.03, and could not legally obtain credit toward those hours with previous coursework or teaching experience. As a result, Ms. Brown has not successfully completed the 150-hour instructor training course that is a prerequisite to receiving an instructor’s certificate, and she was issued an instructor’s certificate through error.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis

2. The conduct described in paragraphs 4-10, above, constitutes a violation of Wis. Stat. § 440.64(3)(b)(3) and Wisconsin Administrative Code § 65.12(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Judith S. Brown shall successfully complete the 14 hours of Orientation and 40 hours of Supervised Teaching that are a prerequisite to licensure as a Wisconsin Barbering and Cosmetology Instructor pursuant to Wis. Admin. Code § RL 65.03. Ms. Brown shall successfully complete the Orientation and Supervised teaching with a minimum grade of “C” at Milwaukee Area Technical College in coordination with Dean Lucia Francis, MATC Attorney Janice Falkenberg, and Associate Dean Dr. Mohammad Dakwar. The Supervised Teaching shall be completed under the direct supervision and observation of licensed BAC instructors Nancy Walters and Annie Royal, or some other licensed BAC instructor(s) pre-approved by the Department. The Orientation shall be completed under the direction of licensed BAC instructor Karen Kraus, or some other licensed BAC instructor pre-approved by the Department.

2. Proof of Ms. Brown’s successful completion of the 14 hours of Orientation and 40 hours of Supervised Teaching shall be submitted by Milwaukee Area Technical College directly to the Department Monitor in the form of an original signed and notarized certification from Ms. Kraus for the Orientation, and from Ms. Walters and Ms. Royal for the Supervised Teaching, or from the other licensed BAC instructor(s) that were pre-approved by the Department under paragraph 1.

3. Judith S. Brown’s instructor’s license (#83-1399) shall be **SUSPENDED**. The suspension shall begin the day Ms. Brown begins the 40 hours of supervised teaching, and shall be lifted upon the Department Monitor's receipt of the original signed and notarized certification in paragraph 1, verifying Ms. Brown's successful completion of the 14 hours of Orientation and 40 hours of Supervised Teaching. Ms. Brown shall inform the Department Monitor in writing of the date her Supervised Teaching will begin, at least 5 days prior to the start of the Supervised Teaching, and shall begin the Supervised Teaching no later than 30 days from the date of this Order. During the period of suspension, Ms. Brown shall not engage in any instruction of barbering or cosmetology, practical or theoretical, for practitioners, managers, or instructors, except as a student teacher engaged in Supervised Teaching under the terms of this Order who is directly supervised at all times in the classroom or on the floor as required by paragraph 1.

4. Judith S. Brown shall pay **COSTS** in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)** within 90 days of the date of this Order.

5. Payment of the costs shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing, and proof of successful completion of the required coursework shall be sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Ms. Brown’s license. The Department in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Ms. Brown fails to timely submit payment as ordered, or otherwise violates the terms of this Order, then her instructor’s license (#83-1399) **SHALL BE SUSPENDED** without further notice or hearing until Ms. Brown has complied with the terms of this Order.

7. This Order is effective on the date of its signing.

Dated this 12th day of June, 2008.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary