

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 | : | |
| PROCEEDING AGAINST | : | FINAL DECISION AND ORDER |
| | : | |
| CLAUDIA I. BANKS, | : | LS0812053RBC |
| RESPONDENT. | : | |

Division of Enforcement Case No. 04 RBC 016

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

Claudia I. Banks
P.O. Box 511129
Milwaukee, WI 53203-0192

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 of 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. Respondent Claudia I. Banks (D.O.B. 02/20/1945) holds a certificate as a Barbering and Cosmetology (BAC) instructor in the State of Wisconsin (certificate #83-1097). This instructor's certificate was first granted on October 9, 1991.

2. The most recent address for Ms. Banks on file with the Department of Regulation and Licensing is P.O. Box 511129, Milwaukee, WI 53203-0192.

3. Ms. Banks worked as a BAC instructor at Milwaukee Area Technical College (MATC) at all relevant times and remains in that position to date.

4. Wis. Admin. Code § RL 65.03 lays out the requirements for the 150-hour instructor training program, which in relevant part states:

(1) The instructor training required by ss. 440.63(3)(a)3, 440.63(3)(b)2, 440.63(3)(c)2, and 440.63(3)(d)2, Stats., is satisfied by successful completion of a course approved by the department in accordance with the syllabus set forth in Figure 65.03. A person shall complete the 150 hours of training within 2 years of commencing the training.

(2) A school offering training for an instructor's certificate may grant credit counting towards the 96 hours required for successful completion of college level courses in teaching skills and facilitating/managing skills.

(3) A school offering training for an instructor's certificate may allow another institution to teach the 96 hours on teaching skills and facilitating/managing skills in the established curriculum and certify an instructor student's eligibility for an instructor's certificate.

FIGURE 65.03
INSTRUCTOR TRAINING COURSE SYLLABUS

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

5. While Wis. Admin. Code § RL 65.03(2) allows a school offering a BAC 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[.]” Wis. 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.

6. The 1999-2000 MATC Catalogue section on Advanced Standing states:

Advanced Standing

Get a Head Start; Explore Advanced Standing

MATC provides a wide variety of options for you to obtain course credits that apply toward MATC degrees, diplomas, and certificates. Apply for advanced standing if you have acquired skills and knowledge that may be equivalent to MATC courses.

Advanced standing options may include credit awarded for skills and knowledge acquired through high school coursework, courses transferred from another college, work experience, independent study, military training, apprenticeship, or examination. Advanced standing work may also qualify as course substitutions or waivers.

Types of Advanced Standing

Transfer Credit

MATC will award transfer of credit from accredited technical colleges, colleges, and universities. This applies to those institutions listed in the “Transfer of Credits Practices of Designated Educational Institutions,” American Association of Collegiate Registrars and

Admissions Officers. Credits are accepted with the provision that these courses will apply to courses at MATC as either required or elective courses. There is no fee for advanced standing by transfer of credit.

Work Experience Evaluation

You may receive credit for work experience. Evaluation of work experience will be conducted by the instructional dean. A list of the course requirements will be provided to the applicant by the instructional dean/associate dean. These requirements may be verified by one or a combination of the following: oral interview, employer's verification of work experience, written documentation and/or work sample, and/or skills demonstrated to an instructor or dean. There is a nonrefundable per credit fee for each evaluation. The fee will not apply to course fees.

7. Ms. Brown decided to obtain an instructor's certificate in BAC and enrolled in the instructor's program at MATC in the fall of 1999. In lieu of taking and successfully completing the two-semester 150-hour instructor's program, Ms. Brown, on December 1, 1999, completed an "Application for Advanced Standing" based upon her course work and BA in Business Administration from UW-Whitewater, as well as her teaching experience in computers at MATC and ITT Technical Institute.

8. On March 27, 2000, the then associate dean at MATC granted Judith S. Brown "advanced standing" that had the effect of exempting her completely from taking and successfully completing the two-semester 150-hour BAC instructor program.

9. It is acknowledged that, while Ms. Banks did not have the final decision-making authority, MATC administration relied upon Ms. Banks's recommendation in granting Ms. Brown "advanced standing" for the entirety of the 150-hour BAC instructor program, which included credit towards the 14 hours of Orientation and 40 hours of Supervised Teaching requirements. Ms. Banks based this recommendation upon her understanding of MATC policy and State law, as well as her review of Ms. Brown's "Application for Advanced Standing," academic transcripts, and resume, and her knowledge of Ms. Brown's teaching experience and background and experience in the BAC field. Ms. Banks knew that Ms. Brown had held licenses as a BAC Manicurist (1992-1997), Practitioner (1994-1996), and Manager (1996-present), and that she had owned and operated a licensed BAC Establishment since 1997.

10. On January 16, 2002, Ms. Banks signed a "Certification of Training" by which she certified Ms. Brown's compliance with the requirements of Wis. Admin. Code § RL 65.03.

11. Ms. Banks should have known that Wis. Admin. Code § RL 65.03 did not allow a school to give "advanced standing" credit towards the 14-hour Orientation and 40-hour Supervised Teaching components of the 150-hour Instructor Training Course Syllabus.

12. Ms. Banks has been licensed as a BAC Practitioner or Manager for 28 years. She has been a certified BAC instructor for 17 years. She has no prior complaints or discipline.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. §§ 440.63(3), 440.64(3), Wis. Admin. Code §§ RL 65.01 and 65.12.

2. By the conduct described in paragraphs 1-12, above, Claudia I. Banks has violated Wis. Admin. Code §§ RL 65.12(1)(h), 65.12(1)(i), and is subject to discipline pursuant to Wis. Stat. § 440.64(3)(b)(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Claudia I. Banks (#83-1097) is hereby reprimanded for the above conduct.

2. Claudia I. Banks shall pay costs in the amount of TWO THOUSAND DOLLARS (\$2,000.00) within 90 days of the date of this Order.

3. Payment of the costs shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, and shall be sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

4. In the event Ms. Banks fails to timely submit any payment as ordered, then her instructor's license (#83-1097) SHALL BE SUSPENDED without further notice or hearing until Ms. Banks has complied with the terms of this Order.

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

Dated this 5th day of December, 2008.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

| | | |
|-----------------------------------|---|--------------|
| IN THE MATTER OF THE DISCIPLINARY | : | |
| PROCEEDING AGAINST | : | STIPULATION |
| | : | |
| CLAUDIA I. BANKS, | : | LS _____ RBC |
| RESPONDENT. | : | |

Division of Enforcement Case No. 04 RBC 016

It is hereby stipulated between Claudia I. Banks, Respondent, Robert J. Dvorak, Respondent's Attorney, and Lara M. Herman, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (04 RBC 016). Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other Provisions of state or federal law.

3. Respondent has been provided the opportunity to obtain legal counsel prior to signing this Stipulation and is represented in this matter by Attorney Robert Dvorak of Halling & Cayo, S.C., 320 E. Buffalo St., Ste. #700, Milwaukee, WI 53202-5837.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Department, without the presence of the Respondent or her attorney, for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with the Department's deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation the Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Claudia I. Banks, Respondent
P.O. Box 511129
Milwaukee, WI 53203

Date

Robert J. Dvorak, Respondent's Attorney
Halling & Cayo, S.C.
320 East Buffalo Street, Ste. 700
Milwaukee, WI 53202-5837

Date

Lara M. Herman, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date

[Case 04RBC016: Reprimand, Costs \$2000.00]