

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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Before The  
State Of Wisconsin  
DEPARTMENT OF REGULATION AND LICENSING

In the Matter of the Application for Certification as  
a Substance Abuse Counselor-in-Training of  
Linda J. Brown, Applicant

FINAL DECISION AND ORDER  
Case No. DRL-09-0066

ORDER 0000159

Division of Enforcement Case No. 09 RSA 009

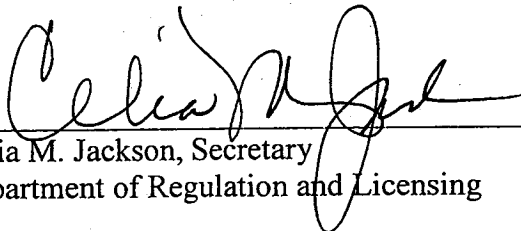
The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 8th day of March, 2010.

  
Celia M. Jackson, Secretary  
Department of Regulation and Licensing



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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IN THE MATTER OF THE APPLICATION	:	
FOR CERTIFICATION AS A SUBSTANCE	:	
ABUSE COUNSELOR-IN-TRAINING OF	:	PROPOSED DECISION
	:	
LINDA J. BROWN,	:	DRL-09-0066
APPLICANT.	:	

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[Division of Enforcement Case No. 09 RSA 009]

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) & 227.53 are:

Linda J. Brown, Applicant  
7701 W. Hampton Avenue, Apt. 7  
Milwaukee, WI 53218

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

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

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**PROCEDURAL HISTORY**

On March 2, 2009, the Department of Regulation and Licensing denied the Applicant's application for certification as a substance abuse counselor in training, based upon the Applicant having been convicted of several crimes that substantially relate to the practice of a substance abuse professional. The Applicant timely requested a hearing on the denial and a Notice of Hearing was filed and served on May 14, 2009.

A prehearing conference was held on June 19, 2009, in which the Applicant and counsel for the Division of Enforcement participated by telephone. At the prehearing conference, the hearing was scheduled for July 22, 2009, and a written notice of hearing was issued and delivered to the Applicant.

The hearing that had been scheduled for July 22, 2009 was adjourned at the request of the Applicant, who informed the responsible Administrative Law Judge (ALJ Anderson) that she needed to attend to a sick child.

ALJ William Coleman assumed responsibility for this matter from ALJ Anderson. On September 10, 2009, ALJ Coleman conducted a prehearing conference in which both the Applicant and counsel for the Division of Enforcement participated by telephone. A rescheduled date for the hearing was set for November 24, 2009.

On Sunday, November 22, 2009, the Applicant telephoned ALJ Coleman and left a voice message requesting that the hearing scheduled for November 24, 2009 be rescheduled because she had transportation problems. ALJ Coleman contacted the Applicant and counsel for the Division of Enforcement on November 23, 2009, and conducted another prehearing telephone conference with them at that time. During this telephone conference, the Applicant's request to reschedule the contested case hearing for a second time was granted, and the hearing was rescheduled to January 14, 2010, and a final prehearing telephone conference was scheduled for January 12, 2010 at 2:00 p.m.

On January 12, 2010 at 2:00 p.m., ALJ Coleman attempted to telephone the Applicant for the scheduled prehearing telephone conference, but there was no answer at the telephone number for the Applicant, so ALJ Coleman left a voice message for the Applicant in which he asked the Applicant to telephone him. ALJ Coleman then held the prehearing conference as scheduled with only counsel for the Division of Enforcement participating. ALJ Coleman determined to go forward with the contested case hearing on January 14, 2010 as had been previously scheduled.

On January 14, 2010 at 10:00 a.m., ALJ Coleman commenced the contested case hearing as had been scheduled. The ALJ conducted the hearing via a telephone connection to the hearing location in Madison, where counsel for the Division of Enforcement was present. The Applicant did not appear for the hearing and she had not otherwise contacted ALJ Coleman or counsel for the Division of Enforcement. Counsel for the Division of Enforcement made a motion that the Applicant's request for hearing be dismissed pursuant to Wis. Admin. Code § HA 1.07 on the ground of her failure to appear for both the prehearing conference on January 12, 2010 and the contested case hearing on January 14, 2010. ALJ Coleman granted the motion on the record and stated that a written proposed decision reflecting the grant of the motion would be forthcoming.

#### FINDINGS OF FACT

1. Linda J. Brown (Applicant) received actual notice at the time of the November 23, 2009 telephone conference of the following scheduled events pertaining to her request for a hearing:

a. That a telephone prehearing conference would be held on January 12, 2010 at 2:00 p.m. and that ALJ William Coleman would call her at the number she had provided.

b. That the contested case hearing she had requested would be held on January 14, 2010 at 10:00 a.m. at the Department of Regulation and Licensing, Room 122, 1400 E. Washington Avenue, Madison, Wisconsin.

2. A written Prehearing Conference Report and Notice of Rescheduled Hearing, dated November 24, 2009, was mailed to the Applicant at 7701 W. Hampton Avenue, Apt. 7, Milwaukee, WI 53218, which was the address to which all previous notices had been sent. It notified her that:

a. A telephone prehearing conference would be held on January 12, 2010 at 2:00 p.m. and that ALJ Coleman would call her at the number she had provided.

b. The contested case hearing she had requested would be held on January 14, 2010 at 10:00 a.m. at the Department of Regulation and Licensing, Room 122, 1400 E. Washington Avenue, Madison, Wisconsin.

3. No one answered the telephone when ALJ Coleman called the Applicant's telephone number to begin the prehearing conference on January 12, 2010 at 2:00 p.m. ALJ Coleman left a voice message at that number asking the Applicant to contact him. The next day, January 13, 2010, at 4:50 p.m., ALJ Coleman left another voice message for the Applicant at the same telephone number, stating further that the hearing remained scheduled for the next day in Madison and asking the Applicant to contact him regarding the hearing. The Applicant did not thereafter contact either ALJ Coleman or counsel for the Division of Enforcement by telephone or otherwise.

4. The Applicant did not appear at the time and place established for the contested case hearing -- January 14, 2010 at 10:00 a.m. at the Department of Regulation and Licensing, Room 122, 1400 E. Washington Avenue, Madison, Wisconsin.

5. The Applicant has not contacted or communicated with ALJ Coleman at any time since the prehearing conference that was held on November 23, 2009, and she has provided no reason for missing the January 12, 2010 prehearing conference or the January 14, 2010 hearing.

#### CONCLUSIONS OF LAW

1. The procedures for this denial review proceeding are set out in Wis. Admin. Code chapters RL 1 and HA 1.

2. The Applicant is in default on her request for a hearing on the denial of her application based on her failure to answer her telephone for the prehearing conference on January 12, 2010 at 2:00 p.m. Wis. Admin. Code § HA 1.07(3)(c)(2).

3. The Applicant is in default on her request for a hearing on the denial of her application based on her failure to appear at the contested case hearing on January 14, 2010 at 10:00 a.m. Wis. Admin. Code § HA 1.07(3)(a).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Applicant's request for a hearing on the Department of Regulation and Licensing's March 2, 2009, denial of her application for certification as a substance abuse counselor in training is hereby DISMISSED.

Dated at Milwaukee, Wisconsin on February 10, 2010.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
819 N. 6<sup>th</sup> Street, Room 92  
Milwaukee, Wisconsin 53203-1685  
Telephone: (414) 258-6736

By: William S. Coleman Jr.  
William S. Coleman Jr.  
Administrative Law Judge