

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,  
AND SOCIAL WORK EXAMINING BOARD, PROFESSIONAL COUNSELOR SECTION

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In the Matter of the Application for a  
Professional Counselor training license of

BROOKE PHELPS,  
  
Applicant.

FINAL DECISION  
AND ORDER ON APPLICATION  
(Class I Proceeding)  
ORDER 0000283

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**PARTIES**

The parties in this matter under sec. 227.44, Stats. and ch. RL 1.04, Wis. Admin. Code, and for purposes of review under sec. 227.53, Stats., are:

Brooke Phelps  
3-37 Wentworth Avenue  
Milwaukee, WI 53207

Marriage and Family Therapy,  
Professional Counseling, and Social Work  
Examining Board  
Professional Counselor Section ,  
Department of Regulation and Licensing  
1400 East Washington Ave.  
Madison, WI 53702

**PROCEDURAL HISTORY**

The applicant, Broke Phelps, submitted an application for a Professional Counselor training license on November 30, 2007. The application was reviewed by the Professional Counselor Section on February 4, 2010. A Notice of Hearing on Intent to Deny Application for Professional Counselor Training License was issued by the section on February 23, 2010. The section issued a Final Notice of Denial of Application on March 23, 2010.

The applicant requested a Class 1 hearing to challenge the denial decision. The hearing was held on April 12, 2010. Based upon the evidence presented at hearing, and the entire record in this matter, the Professional Counselor Section of the Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, makes the following Findings of Fact, Conclusions of Law and Order.

## **FINDINGS OF FACT**

- 1) Brooke Phelps, whose address is 3037 S. Wentworth Avenue, Milwaukee, Wisconsin 53207, submitted an application for a Professional Counselor training license on November 30, 2007.
- 2) The application was reviewed by the Professional Counselor Section on February 4, 2010, which concluded that the applicant had not submitted evidence of completion of a master's degree program in professional counseling or a substantially equivalent academic degree approved by the Section.
- 3) Specifically, the Section found insufficient evidence that the applicant had completed at least 42 semester credits in counseling related courses, including a 3 credit course in Counseling Theories, which are required for degree equivalency.
- 4) The applicant holds a Master's Degree in Human Relations from University of Oklahoma, in Lawton, Oklahoma.
- 5) Additional evidence submitted by the applicant at hearing establishes that the coursework she completed for the Human Relations degree was substantially equivalent to a master's degree in Professional Counseling from an approved institution, with exception of a professional counseling theory course, which she did not complete.

## **CONCLUSIONS OF LAW**

- A) The Professional Counselors Section is the legal authority responsible for granting credentials for a professional counselor certification, and has subject –matter jurisdiction over an application for training licensure under ch. 457, Stats.
- B) The applicant submitted evidence satisfactory to the Professional Counselor Section that she has completed an academic program substantially equivalent to a master's degree in professional counseling as required by ch. 457.12(2), Stats. and s. MPSW 14.01, Wis. Admin. Code, with exception of a three (3) credit professional counseling theory course.

## **ORDER**

NOW, THEREFORE, it is ordered that the application for a professional counselor training license of BROOKE PHELPS shall be APPROVED contingent upon the completion by the applicant of a three (3) credit Professional Counseling Theory course, HR 5003, from an accredited educational institution.

IT IS FURTHER ORDERED that the training license shall be issued to the applicant upon verification of completion of the course is submitted by the applicant, without further hearing or order of the section. If satisfactory evidence of completion is received, the applicant's supervised experience may be counted beginning February 2, 2010.

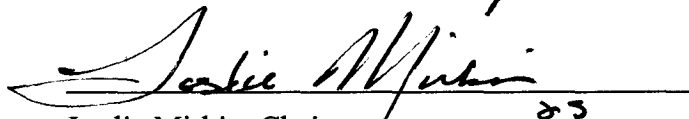
IT IS FURTHER ORDERED that in event that the applicant does not complete the coursework, the original decision of the Professional Counselor Section denying the application for a training license shall be affirmed.

### OPINION

The applicant bears the burden of proof in a Class 1 license denial hearing to establish with credible evidence that he or she meets the legal requirements for licensure. Ms. Phelps appeared before the section and submitted evidence in defense of the equivalency of the coursework which she completed in a Master's Degree in Human Relations. The additional information presented at hearing by the applicant demonstrated that her completed coursework was equivalent to that of a master's degree in professional counseling, with the exception of a counseling theory course, which she lacked.

The decision of the Professional Counselor Section affords the applicant an opportunity to cure the deficiency in her coursework by issuing an approval contingent upon her completion of the counseling theory course. Until such time as the applicant completes the additional required coursework, the training license will not be issued and, if the course is not completed, the original denial decision will be, and hereby remain, the final decision of the section.

Dated this 30<sup>th</sup> day of April, 2010.

A handwritten signature in cursive script, appearing to read "Leslie Mirkin", is written over a horizontal line. To the right of the signature, the number "83" is handwritten.

Leslie Mirkin, Chair  
Professional Counselors Section of the  
Marriage and Family Therapy, Professional Counseling and  
Social Work Examining Board

The applicant's right to request rehearing and for judicial review is set forth in the enclosed "Notice of Appeal Information".

enc. Notice of Appeal Information