

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

BARBARA A. BERLIN,
RESPONDENT.

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FINAL DECISION AND ORDER

0003651

Division of Legal Services and Compliance Case No. 14 SOC 093

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

Barbara A. Berlin
5749 Enchanted View Lane
Waunakee, WI 53597

Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional
Counseling, and Social Work Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Worker Examining Board (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Barbara A. Berlin, (DOB August 6, 1956) is certified in the state of Wisconsin to practice social work, having certificate number 3154-120, first granted on February 23, 1994 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5749 Enchanted View Lane, Waunakee, Wisconsin 53597.

2. In 2013, the Department of Safety and Professional Services began an audit of compliance with the continuing education requirements for social workers for the 2011-2013 biennium.

3. Respondent's name was randomly selected as a subject of the audit.

4. Respondent failed to demonstrate compliance with continuing education requirements for the 2011-2013 biennium as follows:

- a. Respondent submitted evidence that she had completed 38.50 credits of continuing education in the 2011-2013 biennium;
- b. 6 of the credits submitted were distance learning courses without the proper approval;
- c. Respondent did not submit acceptable documentation for 12 of the credits;
- d. 6 of the credits were not on a topic sufficiently related to social work;
- e. Respondent did not complete any credits related to social work ethics and boundaries;
- f. Only 14.50 hours were accepted for the 2011-2013 biennium.

5. As of the date of this Final Decision and Order, Respondent has complied with continuing education requirements for the 2011-2013 biennium.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 457.26(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent violated Wis. Admin. Code § MPSW 8.02(1), by failing to complete 30 credits of continuing education in the appropriate biennium.

3. Respondent, in failing to comply with the requirements of Wis. Admin. Code § MPSW 8.02(1), has engaged in unprofessional conduct as defined by Wis. Admin. Code § 20.02(2).

4. Respondent violated Wis. Admin. Code § MPSW 8.02(1)(b), by failing to complete at least four (4) of the thirty (30) required continuing education hours in the subject area of social work ethics and boundaries.

5. Respondent, in failing to comply with the requirements of Wis. Admin. Code § 8.02(1)(b), has engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2).

6. As a result of the above violation(s), Barbara A. Berlin is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Barbara A. Berlin, certificate no. 3154-120, is hereby REPRIMANDED.

3. Continuing education classes taken by the Respondent on February 27, 2014, March 17, 2014, and March 19, 2014 have been retroactively applied to the 2011-2013 biennium and may not be used to fulfill continuing education requirements for the 2013-2015 biennium.

4. Within 90 days from the date of this Order, Respondent, Barbara A. Berlin, shall pay COSTS of this matter in the amount of \$150.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Respondent is on notice that the Section may audit Respondent's compliance with continuing education requirements in the next biennium and any biennium that follows. Respondent is strictly responsible for complying with all aspects of Wis. Admin. Code sec MPSW 8.02.

7. Violation of any of the terms of this Order, including failure to pay costs as ordered may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section 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 Respondent fails to timely submit payment of costs as ordered above, Respondent's certificate (no. 3154-120) may, in the discretion of the Section or its designee, be SUSPENDED without further notice or hearing, until Respondent has complied with payment of the costs.

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

SOCIAL WORKER SECTION OF THE WISCONSIN MARRIAGE AND FAMILY
THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

by:

Nick Smar
A Member of the Section (DS)

1/28/15
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BARBARA A. BERLIN,
RESPONDENT.

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STIPULATION

0003651

Division of Legal Services and Compliance Case No. 14 SOC 093

Respondent Barbara A. Berlin and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 to Respondent 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 is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

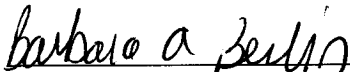
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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

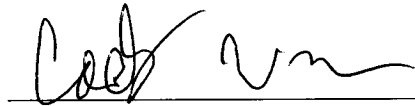
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Section ever assigned as an advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

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

8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.


Barbara A. Berlin, Respondent
5749 Enchanted View Ln.
Waunakee, WI 53597
Certificate no. 3154-120

11-17-14
Date


Cody Wagner, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/19/14
Date