

**7BEFORE THE MISSISSIPPI STATE BOARD OF BAR EXAMINERS
FOR LICENSED PROFESSIONAL COUNSELORS**

**IN THE MATTER OF:
STACY M. MITCHELL
APPLICANT**

FINAL ORDER

This matter came on for hearing on January 11, 2019, before the Mississippi Board of Examiners for Licensed Professional Counselors (Board) to provide Stacy M. Mitchell (Applicant) with an opportunity to show cause why her application for licensure should not be denied. Richard Strebeck, PhD, LPC-S, NCC, CSAT served as the investigating Board member and recused himself from the deliberations in this matter. A quorum of Board members was present throughout the hearing and deliberation in the matter.

William M. Rosamond served as the Administrative Hearing Officer and presided at the hearing. The Board's Executive Director, Lee Ann Mordecai, and Legal Counsel for the Board, Wm. Jeffery Jernigan, were present at the hearing. The Applicant appeared in person and, although having been advised of the right to legal counsel in these proceedings, chose to proceed without an attorney and announced ready on the day of the hearing. Thereafter, the case was called for hearing without objection from any party.

After considering the testimony and the documentary evidence presented at the hearing, and being otherwise fully advised in the premises, the Board, based on clear and convincing evidence, makes the following Findings of Fact.

FINDINGS OF FACT

1. The Board, established pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, is the duly constituted authority for the licensure and regulation of the counseling profession in the State of Mississippi.
2. On or about August 21, 2018, Stacy M. Mitchell submitted her application for licensure as a Provisional Licensed Professional Counselor (P-LPC). On or about October 23, 2018, the Board met and, after the initial review for licensure, denied Ms. Mitchell's application. The Board expressed that the Applicant was denied licensure due to the fact that educational requirements have not been met.
3. On December 3, 2018, Applicant was served with notice of the hearing and advised of her right to be accompanied by legal counsel and call witnesses to testify on her behalf.
4. Section 73-30-7 (2), Miss. Code Ann. (1972) as amended, authorizes the Board to

adopt such rules and regulations as it finds necessary to conduct the business of the Board and carry out its licensure and regulatory functions.

5. The applicable law, Section 73-30-9 of the Mississippi Code of 1972, as amended, directs the Board to issue a license to an individual upon the individual furnishing satisfactory evidence showing that all of the criteria for licensure have been met. Specifically, Section 73-30-9 (f) provides that “[t]he applicant shall have an earned doctoral degree primarily in counseling, guidance or related counseling field, or have a master’s degree or educational specialist’s degree from a regionally or nationally accredited college or university program in counselor education or a related counseling program subject to board approval. The master’s degree or educational specialist’s degree shall consist of a program of not less than sixty (60) semester hours or ninety (90) acceptable quarter hours.”
6. Chapter 4, Rule 4.2 requires that applicants must meet certain educational requirements in order to be licensed, including sixty (60) semester hours or ninety (90) quarter hours of graduate study.
7. Dr. Richard Strebeck testified on the day of the hearing. Dr. Strebeck testified that he was familiar with the Applicant’s packet for provisional licensure and that he conducted the initial review of same.
8. Dr. Strebeck testified that in reviewing Ms. Mitchell’s application he determined that she did not meet the educational requirements for provisional licensure. Ms. Mitchell presents degrees in M.S. Adult Continuing Education and M.S. Family Counseling, which are not primary or qualifying degrees. The University of West Alabama website provides that the M.S. Adult Continuing Education and M.S. Family Counseling programs do not prepare graduates for licensure.

Based upon the foregoing Findings of Fact, the Board issues the following Conclusions of Law.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Sections 73-30-7 and 73-30-11 of the Mississippi Code of 1972, as amended.
2. Proper and timely notice of this proceeding was served upon the Applicant.
3. All substantive and procedural requirements under law have been met by the Board.
4. As set forth above, Section 73-30-9 of the Mississippi Code of 1972, as amended, and Chapter 4, Rule 4.2 provide the criteria for the eligibility requirements for LPC licensure. The list includes that the applicant have a master’s degree or educational specialists degree that includes sixty (60) semester hours or ninety (90) quarter hours

of graduate study from a regionally or nationally accredited college or university program in counselor education or a related counseling program.

5. The Applicant has the affirmative burden to demonstrate to the satisfaction of the Board that she meets the statutorily prescribed eligibility requirements for licensure, which the Applicant did not do in this case.

In light of the foregoing Findings of Fact and Conclusions of Law:

ADJUDICATION

IT IS ORDERED that the application of Stacey M. Mitchell as a Licensed Professional Counselor is denied.

SO ORDERED this, the 25th day of March, 2019.

MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS

BY:  Paul A. Stone, Ph.D., LPC-S