

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST  
ANTHONY D. MULLOZZI, Ph.D. LS9807211PSY

Respondent

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FINAL DECISION AND ORDER

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The parties to this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Anthony D. Mullozzi, Ph.D.

RR 2 Box 93A

Iron River, WI 54847

State of Wisconsin

Psychology Examining Board

P.O. Box 8935

Madison, WI 53708-8935

State of Wisconsin

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

This proceeding was commenced by the filing of a Notice of Hearing and Complaint on July 21, 1998. A hearing was held in this matter on January 27-29, 1999. Attorney John Zweg appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. Attorney Scott W. Clark, Clark & Clark Law Offices, appeared on behalf of the Respondent. The hearing transcript was filed by March 24, 1999. Closing arguments were filed on or before May 4, 1999.

The administrative law judge filed her Proposed Decision on November 2, 1999, and both parties filed objections to the Proposed Decision. The parties appeared before the board on January 12, 2000, for oral arguments on the objections, and the board considered the matter on that date.

Based upon the entire record herein, the Psychology Examining Board adopts as its Final Decision and Order in this matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Anthony D. Mullozzi (d.o.b., 06/23/43) is currently licensed as a psychologist in the State of Wisconsin, pursuant to license number 633, which was first granted on May 26, 1977.
2. Respondent's most recent address reported to the Department of Regulation and Licensing is RR 2, Box 93A, Iron River, Wisconsin 54847.
3. Dr. Mullozzi currently practices in Ashland and Superior, Wisconsin. In 1994 and 1995, he had an office at St. Mary's Hospital in Superior, Wisconsin. In the 1980s and up until 1995, he practiced as a psychologist in Duluth,

Minnesota. He also had an office for about ten years in Iron River, Wisconsin, which was closed in 1994 or 1995.

4. Dr. Mullozzi provided individual psychotherapy to Roni LaPlante ("Housey") on:

1994 : January 5, 11, 26; February 2, 23; March 16, 30; April 6, 22;

May 5,19,26; June 6,16,30; July 7,14, 22, 28; August 4,12,18,25;

September 1, 14, 23, 29; October 6, 18; November 4, 18, 22;

December 2, 16, 27.

1995: January 13, 25; February 1; March 22, 29; April 5, 25;

May 3, 18, 26; June 13, 22, 28.

Dr. Mullozzi provided group psychotherapy to Roni LaPlante ("Housey") on the following dates:

1994: January 13; February 10; March 3; April 7; May 12; June 16;

August 11; September 8; October 13; November 10; December 7.

1995: January 12; February 9; April 12; May 11; July 13; August 10;

September 13; October 12; November 9.

5. On July 24, 1994, Dr. Mullozzi invited Ms. Housey to his home for a private party and allowed her to be dressed in only her underwear in his sauna.

6. Dr. Mullozzi had sexual contact, which included oral sex and intercourse, with Roni LaPlante ("Housey") on July 24, 1994, while she was in the sauna at his home.

7. Ms. Housey was still a patient of Dr. Mullozzi at the time he had sexual contact with her on July 24, 1994.

8. Dr. Mullozzi had sexual contact, which included oral sex and intercourse, with Roni LaPlante ("Housey") in his Duluth, Minnesota office in August, 1994, during a scheduled therapy session.

9. Ms. Housey was still a patient of Dr. Mullozzi at the time he had sexual contact with her in his Duluth, Minnesota office in August 1994.

10. On March 21, 1996, Geoffrey Gaston, a staff member of the Division of Enforcement interviewed Dr. Mullozzi at Dr. Mullozzi's office in Ashland, Wisconsin. During the interview, Dr. Mullozzi told Mr. Gaston that Roni LaPlante Housey had never been in his residence or in his sauna and that he and Ms. Housey did not have any sexual contact in his sauna.

11. In August 1997, the Division of Enforcement received a complaint alleging that Dr. Mullozzi had engaged in inappropriate conduct with another patient ("Patient Two"), while she was seeing him in his professional capacity from approximately 1979 through 1982.

12. On March 3, 1998, Dan Williams, an Investigator with the Division of Enforcement, sent two letters to Atty. William Lamb, one addressed to Dr. Mullozzi and the other addressed to Atty. Lamb. In his letter to Atty. Lamb, Mr. Williams asked whether he would be representing Dr. Mullozzi. In his letter to Dr. Mullozzi, Mr. Williams requested that he provide the following information by March 17, 1998:

(1) A response to the allegation, including a summary of your involvement

with the patient.

(2) A copy of all records involving the care/treatment of this patient.

(3) Any other relative information which you feel is of importance to the case.

13. Atty. Lamb received Investigator Williams' March 3 letters on March 6, 1998. On March 12, 1998, Atty. Lamb had a telephone conversation with Dr. Mullozzi regarding Investigator Williams' March 3 letters.

14. On March 19, 1998, Investigator Williams received a telephone call from Dr. Mullozzi. During the telephone call, Dr. Mullozzi informed Investigator Williams that:

(1) He had recently received from Mr. Lamb's office the March 3 letters

from Investigator Williams to Mr. Lamb and to Respondent.

(2) He had not decided whether Mr. Lamb would be representing him in 97PSY032 and that he would be in contact with Mr. Lamb to make that decision.

(3) Because the care had been provided to Patient Two in the 1970s, the patient's records had been destroyed.

(4) The patient's allegations were not true.

(5) He or Mr. Lamb would call Investigator Williams to advise when they would be submitting a written response to the March 3, 1998 letter.

15. Between April 8, 1998 and May 20, 1998 Investigator Williams and Atty. Lamb communicated with each other at least nine times regarding the information requested by Mr. Williams in his March 3, 1998 letters including whether Mr. Lamb would be representing

Dr. Mullozzi.

16. A written response to the information requested by Mr. Williams in his March 3, 1998 letters to Atty. Lamb and Dr. Mullozzi was never provided by Atty. Lamb or Dr. Mullozzi.

#### CONCLUSIONS OF LAW

1. The Psychology Examining Board has jurisdiction in this matter pursuant to s. 455.09 Wis. Stats., and ch. Psy 5, Wis. Adm. Code.

2. Respondent's conduct as described in Findings of Fact (5) - (7) herein, constitutes unprofessional conduct under s. Psy 5.01 (14) (1994), in violation of s. 455.09 (1) (g), Stats.

3. Respondent's conduct as described in Findings of Fact (5) - (7) herein, constitutes gross negligence in the practice of psychology and is unprofessional conduct under s. Psy 5.01 (2) in violation of s. 455.09 (1) (g) and (h), Stats.

4. By engaging in the conduct described in Findings of Fact (5) - (7) herein,

respondent failed to avoid dual relationships or relationships which is unprofessional conduct under s. Psy 5.01 (17), Code, in violation of s. 455.09 (1) (g), Stats.

5. Respondent's conduct as described in Findings of Fact (8) - (9) herein, constitutes unprofessional conduct under s. Psy 5.01 (14) (1994), in violation of s. 455.09 (1) (g), Stats.

6. Respondent's conduct as described in Findings of Fact (8) - (9) herein,

constitutes gross negligence in the practice of psychology and is unprofessional conduct under s. Psy 5.01 (2) in violation of s. 455.09 (1) (g) and (h), Stats.

7. By engaging in the conduct described in Findings of Fact (8) - (9) herein,

respondent failed to avoid dual relationships or relationships which is unprofessional conduct under s. Psy 5.01 (17), Code, in violation of s. 455.09 (1) (g), Stats.

8. By refusing to cooperate with the Board's investigation of a complaint file against him, as described in Findings of Fact (10) herein, respondent committed unprofessional conduct as defined in s. Psy 5.01 (24), Code in violation of s. 455.09 (1) (g), Stats.

9. Respondent's conduct, as described in Findings of Fact (11) through (16) herein, does not constitute unprofessional conduct as defined in s. Psy 5.01 (24), Code and does not violate

s. 455.09 (1) (g), Stats.

#### ORDER

**NOW, THEREFORE, IT IS ORDERED** that the license of, Anthony D. Mullozzi, to practice as a psychologist in the

State of Wisconsin, and hereby is, revoked.

**IT IS FURTHER ORDERED that:**

1. Counts VII, VIII and X of the Complaint are dismissed.
2. Pursuant to s. 440.22 Wis. Stats., the cost of this proceeding shall be assessed against Respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective on the date on which it is signed on behalf of the Psychology Examining Board.

EXPLANATION OF VARIANCE

The Psychology Examining Board has accepted the proposed Decision of the administrative law judge, Ruby Jefferson-Moore in its entirety, with two exceptions. First, the ALJ concluded that respondent's conduct set forth at Finding of Fact #5 constituted a failure to avoid dual relationships in violation of sec. Psy 5.01(17), Code, but did not constitute gross negligence in the practice of psychology, in violation of sec. Psy 5.01(2), Code. The board concludes otherwise.

Finding of Fact #5 states that, "on July 24, 1994, Dr. Mullozzi invited Ms. Housey to his home for a private party and allowed her to be dressed in only her underwear in his sauna." Each contact between a psychologist and his or her client during the period of ongoing psychological treatment constitutes a psychologist-patient interaction, and any such contact therefore involves the performance of professional duties by the psychologist. For respondent to invite Ms. Housey into his sauna with him while she was dressed only in her underwear would without question have a negative impact on their continuing professional relationship, and it follows that his conduct in that regard constituted gross negligence in the practice of psychology in violation of sec. N 5.01(2), Code. Conclusion of Law #3 has been modified to reflect that determination.

The other modification to the ALJ's Proposed Decision is to order that respondent's license be revoked rather than the license be suspended for six months.

It is well established that the objective of licensing discipline is the protection of the public by promoting the rehabilitation of the licensee and by deterring other licensees from engaging in similar misconduct. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1968). Even assuming that rehabilitation is possible in this case, imposition of a simple suspension of the license with automatic reinstatement at the end of six months offers no assurance that rehabilitation will have occurred or will even have been attempted. Nor would suspending the license for one year, the maximum period of suspension possible under sec. 455.09(1), Stats., offer any such assurance. Should respondent make an earnest effort at reformation, and should he at some future time be able to demonstrate to the board by clear and convincing evidence that his rehabilitation is complete, then he may petition the board at that time to reinstate the license. Respondent's burden in making such a demonstration will be great, however, and no fixed-term suspension, however long, will suffice to ensure that reinstatement is justified.

Deterring other licensees from engaging in the same or similar conduct also militates for revocation of respondent's license. Respondent's misconduct was intentional, repeated and potentially devastating to his patient. To suspend his license for some fixed period, without more, has the potential for sending a message to other licensees who might be tempted to engage in grossly improper relationships with patients or clients that they may engage in the most egregious possible misconduct without being barred from practicing their profession for more than one year. The board therefore deems revocation of the license to be the only disciplinary sanction which adequately subserves the disciplinary objectives.

Dated this 27th day of January, 2000.

STATE OF WISCONSIN

PSYCHOLOGY EXAMINING BOARD

by \_\_\_\_\_

Barbara A. Van Horne, Ph.D.

Chair

