

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE SOCIAL WORKER SECTION

EXAMINING BOARD OF SOCIAL WORKERS,

MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

THOMAS J. VALLE, C.S.W.,

FINAL DECISION AND ORDER

RESPONDENT

LS0112052SOC  
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The parties to this action for the purposes of § 227.53, Stats., are:

Thomas J. Valle, C.S.W.

PO Box 337

Hurley, WI 54534

Social Worker Section

Wisconsin Examining Board of Social Workers,

Marriage and Family Therapists and Professional Counselors

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Social Worker 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

1. Thomas J. Valle, C.S.W., Respondent, date of birth February 26, 1962, is certified by the Social Worker Section as a social worker in the state of Wisconsin pursuant to certificate number 6962, which was first granted March 4, 1999.
2. Respondent's last address reported to the Department of Regulation and Licensing is P.O. Box 337, Hurley, WI 54534.
3. During the events of this matter, Respondent was employed as a social worker by the Iron County Human Services Department (ICHSD) in Hurley, Wisconsin.

4. In December 1999, Ms. A, who was then 43 years of age, was an inpatient at Grand View Hospital in Ironwood, Michigan, being treated for upper gastrointestinal bleeding related to chronic alcoholism. Ms. A was referred for social services assistance at ICHSD and Respondent was assigned as Ms. A's case worker.

5. On January 25, 2000, Ms. A was taken to Memorial Medical Treatment Center (MMTC) in Ashland, Wisconsin under an emergency detention. Ms. A was seen for psychiatric consultation because she had consumed large quantities of alcohol and prescribed medications Ativan and Trazodone, and was threatening suicide.

6. Under a settlement agreement between Ms. A and ICHSD dated February 8, 2000, Ms. A was ordered to complete a 21-day inpatient program at MMTC. Upon discharge from the program, Ms. A was to reside at the Domestic Violence Escape shelter (DOVE) in Ironwood, Michigan, until housing could be established. Ms. A was also required to participate in outpatient counseling with Iron County Alcohol and Drug I & R, Inc., in Hurley, Wisconsin.

7. During Ms. A's inpatient stay at MMTC, Respondent remained Ms. A's case worker. Respondent visited or called Ms. A every day. Because Respondent had so much contact with Ms. A during this period, MMTC staff felt that Respondent's attention to Ms. A was inappropriate and directed that Respondent no longer have contact with Ms. A while she was in that facility. Respondent continued to call Ms. A every day on the patient phone which was not under the control of the facility.

8. Upon her release from MMTC, Ms. A went to live at DOVE where she resided from February 17, 2000 to April 11, 2000. On the first day following her release from MMTC, Ms. A had dinner with Respondent at his home. During their evening together, Respondent and Ms. A engaged in kissing and fondling. Respondent told Ms. A that she must keep their relationship a secret because he would lose his job.

9. The following day, Ms. A again went to Respondent's home where she spent the night. That evening, Respondent and Ms. A engaged in sexual intercourse for the first time. They continued their sexual relationship until approximately February 2001.

10. During the period that Ms. A resided at DOVE, Ms. A left the shelter with Respondent on numerous occasions. Several of those occasions involved weekends when Respondent would pick Ms. A up on a Friday or Saturday and return her to the shelter on Sunday. Respondent also escorted Ms. A to AA meetings and they went to local restaurants together.

11. Ms. A cleaned Respondent's apartment once a week for which Respondent paid her \$35.00. Ms. A contends that she would sometimes spend the night with Respondent, after cleaning his apartment.

12. In July 2000, ICHSD corporation counsel confronted Respondent with the allegation of his unprofessional relationship with Ms. A, who was his client. Respondent denied having a sexual or otherwise unprofessional relationship with Ms. A. Respondent said that Ms. A had approached him about dating, but that he had told her he could not date her for two years. At that time, Respondent was removed as Ms. A's case worker. Respondent was also ordered to refrain from contacting Ms. A in any way and was prohibited from having any type of relationship with Ms. A.

13. In the early morning hours of March 6, 2001, Ms. A was placed under emergency detention by the police and hospitalized at St. Michael's Hospital in Rhinelander because of alcohol consumption, depression and suicide threats. Ms. A states that her condition resulted from her concern that her personal-sexual relationship with Respondent was ending.

14. Respondent has agreed to voluntarily surrender his certification as a social worker in the state of Wisconsin, with the conditions set out below.

#### CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has jurisdiction over this matter pursuant to § 457.26(2), Stats.

2. The Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent's conduct with Ms. A, as set out above, constitutes engaging in sexual contact and sexual conduct with a client during, and within 2 years after termination of, professional services and subjects Respondent to discipline pursuant to § 457.26(2)(h), Stats., and § SFC 20.02(11), Wis. Adm. Code.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The surrender by Thomas J. Valle, C.S.W., of his certificate to practice as a social worker in the state of

Wisconsin is hereby accepted, effective immediately.

2. If Respondent ever petitions the Section for any certification as a social worker:

a. Respondent shall be required to meet all requirements for that certification which are then required by statute and administrative rule, prior to being certified.

b. Respondent shall notify the Division of Enforcement (Division) of the request and the Division shall have the opportunity to apprise the Section of all allegations and information contained in the investigative file.

c. If the Section believes that it will be of assistance to the Section in responding to Respondent's petition:

i. Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner experienced in assessing health care providers who have become involved sexually with clients.

ii. The practitioner performing the assessment must have been approved by the Section or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the assessment being performed.

iii. Respondent shall provide the Section with the practitioner's written report and provide the Section with the opportunity to discuss the evaluation and findings with the practitioner.

d. Following the presentation of information by the Division and review of any assessment requested by the Section, the Section may in its sole discretion elect to certify Respondent, with or without limitations, or to deny Respondent's petition.

e. If the Section determines to issue certification to Respondent, Respondent's certificate shall be limited in a manner to address any concerns the Section has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Section, to address specific treatment goals, with periodic reports to the Section by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Section, with periodic reports to the Section by the supervisor.

f. If Respondent believes that the Section's denial of certification is inappropriate or that any limitation imposed by the Section is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Section's decision is arbitrary or capricious. The denial of certification or limitations on Respondent's certification shall remain in effect until there is a final decision in Respondent's favor on the issue.

g. Any petition for certification or request for approval of an evaluator, therapist, supervisor or educational program required by this order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax (608) 266-2264

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

Dated at Madison, Wisconsin this 5th day of December, 2001.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section