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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
EXAMINING BOARD OF SOCIAL WORKERS
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

ANNETTE JEAN WESLEY,
RESPONDENT

FINAL DECISION AND ORDER
LS0202122SOC

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

Annette Jean Wesley, C.I.C.S.W.

PO Box 2925

Sitka, AK 99835

Social Worker Section

Examining Board of Social Workers,

Marriage and Family Therapists and Professional Counselors

PO Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

PO 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. Annette Jean Wesley, C.I.C.S.W., Respondent, date of birth May 19, 1961, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 6690, which was first granted on August 27, 1999.
2. Respondent received a master of social work degree from Grand Valley State University, Allendale, Michigan on April 30, 1994.
3. Respondent's last address reported to the Department of Regulation and Licensing is PO Box 1676, Cordora, AK 99574. The Division of Enforcement (DOE) has determined that Respondent's current mailing address is PO Box 2925, Sitka, AK 99835.

4. On July 30, 2000, Respondent was residing in Marinette County Wisconsin. On that date, Respondent's daughter, Ms. A, who was then 16 years old, told Respondent that Respondent's husband of four years, who had adopted Ms. A in January 2000, had been sexually abusing Ms. A for the past two years. Respondent immediately took Ms. A to a counselor, who reported the allegation to law enforcement authorities. Respondent's husband was interviewed by police, admitted the sexual abuse of Ms. A and was charged criminally.

5. Marinette County Wisconsin Department of Health and Human Services (MCDHHS) filed a petition pursuant to § 48.13(3), Stats., alleging that Ms. A was in need of protective services (CHIPS) because she had been the victim of sexual abuse. On September 18, 1990, the Circuit Court for Marinette County Wisconsin ordered that MCDHHS have supervision over Ms. A. The order incorporated a safety plan which required Respondent to prevent her husband from having any contact with Ms. A, including phone, in person or in writing. It also required Respondent to report any attempted contacts.

6. During this time, Respondent's husband was released on bond and was residing in a motel in the community. Despite Ms. A's strong objection, Respondent visited and talked with her husband. Respondent spent several nights with her husband, leaving Ms. A alone at their home. Respondent told Ms. A that the sentence her husband would receive would be affected by Ms. A's statements. Respondent influenced what Ms. A wrote in her letter to the judge. Respondent continued to speak about her husband in front of Ms. A, saying what a good person he was.

7. On January 22, 2001, MCDHHS filed a request for temporary physical custody of Ms. A, who had been residing with Respondent. The basis for the request was that Respondent had violated the court's order by allowing and facilitating her husband to have written contact with Ms. A and had not reported the written contact. Effective January 26, 2001, the court ordered the change in physical placement and placed Ms. A with her maternal grandparents.

8. The court returned Ms. A's placement to Respondent's home when her physical safety was assured on February 9, 2001. At that time, Respondent's husband's bond was revoked and he was incarcerated until his sentencing. He was then sentenced to 20 years in prison.

9. In February 2001, while she was still 16 years old, Ms. A began dating Mr. B, who was 19 years old. Respondent was aware that Ms. A and Mr. B were having sexual intercourse in her home on a regular basis. Respondent and Ms. A asked Mr. B to move in with them and he did live with them during March and April 2001. It is a misdemeanor criminal offense for a 19-year-old to have sexual intercourse with a 17-year-old. [§ 948.09, Stats.]

10. In May 2001, after Ms. A and Mr. B ended their relationship, Ms. A met Mr. C, who was 30 years old. On or about June 1, 2001, Mr. C moved into the residence with Respondent and Ms. A. At first Mr. C slept on a couch, but after he and Ms. A began having sexual intercourse, he began sleeping with Ms. A. The morning after they first had intercourse, they told Respondent what had happened. It is a misdemeanor criminal offense for a 30-year-old to have sexual intercourse with a 17-year-old. [§ 948.09, Stats.]

11. Respondent gave her permission for Ms. A to marry Mr. C and they obtained a marriage license and intended to marry in early July 2001. MCDHHS filed a petition to revise the dispositional order in the CHIPS matter to prevent the marriage and by changing physical placement to a foster home until Ms. A's 18th birthday.

12. On July 31, 2001, a hearing was held on the petition for revision. Respondent and Ms. A told the court they intended to move to Alaska within a few days. The court declined to change physical placement from Respondent. However, the court ordered that:

- o The order be extended to Ms. A's 18th birthday.
- o Ms. A not marry until she becomes 18 years of age.
- o There be no men living in the home of Respondent and Ms. A during the duration of the order.
- o MCDHHS use the Interstate Compact On Juveniles to ensure compliance with the orders, if Respondent and Ms. A moved to Alaska.

13. Because Respondent and Ms. A moved to Alaska, the Marinette County district attorney declined to bring any criminal charges against Mr. B, Mr. C or Respondent.

14. Through use of the Interstate Compact agreement, MCDHHS case workers learned from an Alaska social worker that when Respondent and Ms. A moved to Alaska, Mr. C moved with them. In addition, Mr. D, a 19-year-old Ms. A had begun dating, also moved with them. The four of them resided together, in violation of the court's order.

15. In September 2001, MCDHHS workers sought a change in placement for Ms. A, citing that Respondent had continued to place Ms. A in an imminent risk situation for further sexual abuse as well as violating the provisions of the July 31, 2001 court order. On September 19 and October 16, 2001, the court found that Respondent had neglected Ms. A and that placement with Respondent was contrary to Ms. A's health, safety and welfare, because the court's previous orders would continue to be violated. The court ordered that Ms. A be returned to

Wisconsin and placed in foster care.

16. On December 7, 2001, the Alaska Board of Social Work Examiners, after considering the facts set out above, denied Respondent's application for a Temporary Master Social Work license. The denial was based upon Respondent not meeting the requirement of AS 08.95.110(a)(3), that she be of good moral character.

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 pursuant to § 227.44(5), Stats.
3. Respondent's conduct, as set out above, is a violation of a law the circumstances of which substantially relate to practice under her credential, in violation of § SFC 20.02(2), Wis. Adm. Code, and subjects Respondent to discipline pursuant to § 457.26(2)(h), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the surrender by Annette Jean Wesley, C.I.C.S.W., of her certificate to practice as an independent clinical 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 her own expense, have undergone an assessment by a mental health care practitioner experienced in assessing mental health care providers.
 - 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 is set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 12th day of February, 2002.

Douglas Knight

Chairperson

Social Worker Section