

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF SOCIAL WORKERS,

MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

SOCIAL WORKERS SECTION

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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST

MARY MARGARET SPIERING, CICSW

FINAL DECISION AND ORDER

RESPONDENT.

LS9905251SOC

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The State of Wisconsin, Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Social Workers Section, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Social Workers Section.

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

Dated this 21st day of July, 1999.

Cornelia Gordon-Hempe, Chair

Social Worker Section

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

MARY MARGARET SPIERING, CICSW,

PROPOSED DECISION AND ORDER

RESPONDENT

Case No. LS9905251SOC

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**PARTIES**

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

Mr. John R. Zwieg  
Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

Ms. Mary Spiering  
P.O. Box 612011  
South Lake Tahoe, CA 96152

Ms. Mary M. Spiering  
6740 W. Orange  
Glendale, AZ 85303

### **PROCEDURAL HISTORY**

A hearing in the above-captioned matter was held on June 29, 1999, before Administrative Law Judge Jacquelynn B. Rothstein. The Division of Enforcement appeared by Attorney John R. Zwieg. Ms. Spiering did not appear.

Based on the entire record in this case, the undersigned administrative law judge recommends that the Social Worker Section adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

1. Mary Margaret Spiering, Respondent, (DOB 6/1/57), was certified by the Social Worker Section as an independent clinical social worker in the State of Wisconsin (Certificate #4141) on August 7, 1995.
2. Respondent's last address known address with the Department of Regulation and Licensing is P. O. Box 612011, South Lake Tahoe, California. Correspondence sent to Ms. Spiering at that address on December 17, 1998, was returned to the Division of Enforcement (DOE) marked "Returned to Sender - Attempted/Not Known."
3. The DOE conducted a search on the Internet and found a listing for a Mary LCSW Spiering at 3339 Lake Tahoe Boulevard, South Lake Tahoe, California. The telephone number was listed as (530) 544-9766.
4. On February 9, 1999, the DOE called the telephone number listed in Paragraph 3 and determined that it belonged to the Lakeview Health Center. The person answering the phone informed the DOE that Ms. Spiering no longer worked at that facility and had moved to Arizona approximately one year ago. The DOE was informed that Ms. Spiering's Arizona address was 207 Chateau Drive, Goodyear, Arizona.
5. On February 11, 1999, the DOE called the Arizona Department of Transportation (ADOT) and requested information about Ms. Spiering's Arizona driver's license. The DOE was informed that Ms. Spiering held a valid Arizona driver's license. The Arizona license was issued in March of 1998, at which time she turned in a Minnesota driver's license. ADOT's records showed Ms. Spiering's address to be 207 Chateau Drive, Goodyear, Arizona.
6. On April 12, 1999, the Department received correspondence that had been sent to Ms. Spiering at 207 Chateau Drive, Goodyear, Arizona. The returned envelope was marked "Returned to Sender - Unclaimed." Handwritten on the envelope was the address of 6740 W. Orange, Glendale, Arizona.
7. On April 13, 1999, the DOE confirmed with the U.S. Postal Service that the address in Paragraph 6 (i.e., Glendale, Arizona) was the most recent forwarding address on file for Ms. Spiering.
8. On May 17, 1999, the Department received correspondence that had been sent to Ms. Spiering at 6740 W. Orange, Glendale, Arizona. The returned envelope was marked "Returned to Sender- Unclaimed."
9. Ms. Spiering received her master's degree in social work from the University of Minnesota in June of 1990.

10. Prior to January 17, 1997, Ms. Spiering was licensed to practice social work in the State of Minnesota. On January 17, 1997, the Minnesota Board of Social Work issued an Order in which it took disciplinary action against Ms. Spiering. The Order was based upon a stipulation entered into by Ms. Spiering.

11. By Order dated January 17, 1997, the Minnesota Board of Social Work found that the following had occurred in the State of Minnesota:

A. On April 15, 1991, Client #1, a woman with multiple personality disorder (MPD), joined a therapy group for MPD clients which Respondent led at an adult day treatment program ("The Program"). During the time Respondent provided therapy to Client #1, the following occurred:

(1) During several group therapy sessions in 1991, Client #1 spoke of her chronic financial and transportation problems. Knowing this information about Client #1, Respondent gave Client #1 rides home from group therapy sessions on more than one occasion; once gave her a ride to another group therapy session; and one time picked her up at her home and drove to the program office. Respondent also drove Client #1 to a Fair Share grocery shop at a church on one occasion.

(2) Respondent gave Client #1 money on three or four occasions. On one occasion Respondent gave her \$100, which Client #1 considered a loan and tried to repay. On August 31, 1991, Respondent gave Client #1 a card from a "mystery friend." The card contained \$50 and said "wishing you joy in your life." Respondent later admitted to her supervisor it was a mistake to give Client #1 money.

(3) Respondent gave Client #1 Respondent's personal Conoco gas credit card so Client #1 could purchase gasoline and attend the program therapy sessions. Respondent told Client #1 that Respondent would personally see that Client #1 would never get a bill from the program. Respondent contended to the Minnesota Board that no clients ever saw a bill from the program.

(4) Respondent gave Client #1 greeting cards and gifts, including a rose, earrings, and black stones.

(5) Client #1 was hospitalized from December 10 to December 26, 1991, for suicidality. While she was hospitalized, Respondent sent her a card picturing a bear hugging a cat and addressed it to Client #1's child alter and other alters. In the card, Respondent wrote that she was sorry for the ways she contributed to Client #1's distress and that she would like to support her in the process via cards and calls but acknowledged that the client may not feel safe enough with Respondent.

(6) Respondent sent Client #1 another card picturing a blizzard and dated December 30, 1991. In that card, Respondent thanked Client #1 for a payment toward the loan from Respondent and asked Client #1 to return Respondent's Conoco card.

(7) Respondent called clients pet names such as "Princess." A progress note for Client #1 dated August 16, 1991, stated that Client #1 was upset about the pet names that Respondent called them at times, and said that even Client #1's child alters didn't like it.

(8) Respondent asked Client #1 to wrestle and explained to her that wrestling was "anger work." Client #1 refused to wrestle and told Respondent she did not like to be touched. Client #1 observed Respondent wrestling with other clients, including Client #3. When Client #1 observed the wrestling, she said "it felt sexual."

(9) Because Respondent failed to submit an application and documents in a timely manner, Client #1's transfer to out-of-state care was delayed two and one-half months. When Client #1 confronted Respondent about her progress in completing the necessary paper work for her out-of-state placement, Respondent said that another therapist was responsible for completing the paper work. Respondent stated, "I thought he could get his own damn application." Respondent contended to the Minnesota Board that she did not have the paperwork and did not have the authority to complete it.

B. Client #3 began treatment at the program in April 1991. Her presenting problems included multiple personality disorder, abuse by a former therapist, an eating disorder, non-cooperation of alters, flashbacks, court problems and self-mutilation. During group therapy sessions at the program, the following occurred:

(1) Respondent allowed clients to put their heads in Respondent's lap. While sitting on the floor, Respondent stroked clients' hair. On one occasion Respondent touched client #3 in

this manner for fifteen minutes. Respondent contended to the Minnesota Board that this occurred seldom and only after a severe spontaneous abreaction.

(2) Group psychotherapy progress notes for 7/3/91, state that one of Client #3's child alters cuddled up close to Respondent during the group session.

(3) Respondent arm-wrestled with Client #3. Progress notes for 7/5/91, state "when encouraged to find a way to release some of the anger that [Client #3] appeared to be struggling with, she agreed to arm wrestle with [Respondent] and verbalized a list of things she felt angry about. After she finished arm wrestling, she put her head down on the pillow and sobbed for several minutes. . . ."

(4) On one occasion during a break from a group therapy session, Respondent called out to one of Client #3's alters to "come here." Respondent began wrestling with Client #3. Client #3 was wearing shorts and subsequently scraped her knee after losing her footing. Client #1 observed this incident.

C. Respondent's conduct in group therapy upset clients and interfered with their therapy. For example:

(1) Respondent's attendance at group therapy sessions was irregular, Respondent was sometimes late, Respondent canceled sessions, or a different therapist facilitated the group.

(2) Respondent told the therapy group that on occasion suicide was a person's choice and sometimes best for a person in severe pain.

(3) Respondent showed favoritism to Client #1. Respondent promptly returned phone calls to Client #1, but phone calls were not returned to Client #3. This favoritism was perceived by other group members and was detrimental to their therapy. Respondent told other therapists at the program that Respondent "bonded more with some clients." Some clients received special attention outside of group. For example, Respondent gave stuffed animals to some clients and shared food with them.

(4) On a blackboard or chart during group, Respondent listed clients and assigned them labels such as strong/angry, playful/manipulative, withdrawn/wise. This caused great distress to clients in the group. The chart was erased immediately, but a lot of time was spent in group talking about the chart and attempting to explain how the group dynamics were structured.

(5) During group sessions, Respondent frequently placed her hand on clients' shoulders, put her arm around clients, hugged clients, and had clients place their heads on her lap while Respondent stroked their hair.

(6) When confronted by another staff person at the program about her contact with clients, Respondent told the staff person that Respondent was just an "open, nurturing person," and Respondent referred to herself as a "boundary-less woman."

D. By providing clinical services to clients at the day treatment program, Respondent practiced beyond the scope of her LSW license. Respondent noted to the Minnesota Board that she had an MSW and was supervised by a licensed independent clinical social worker and a licensed psychologist.

E. In July 1991, the Minnesota Board of Social Work received Respondent's Application for Licensure Renewal form. In Section V, Respondent answered "no" to question #9, "Have you been terminated from employment since you were granted social work licensure?" At the conference with the Board of Social Work Complaint Panel on October 11, 1996, Respondent stated that she had not been terminated from her position at Ascension House, but that she quit. However, following her departure from Ascension House, Respondent had applied for unemployment benefits and claimed she was terminated.

F. In 1991 and 1992, Respondent sexually harassed a program staff person under her supervision. Specific examples include the following:

(1) At a staff meeting, Respondent told her supervisee, "too bad I'm your supervisor because now you can't date me." Respondent apologized to the staff person when she confronted Respondent about these comments and Respondent claimed she was unaware of the supervisee's sexual preference when Respondent made the remark.

(2) At a wedding reception in September 1991, Respondent asked the supervisee's guest,

"How many orgasms do you two have a week?" Respondent had been drinking alcohol at the time.

(3) At a retreat in the winter 1991, Respondent attempted to wrestle with the supervisee on two occasions, in one case throwing the supervisee on her bed.

(4) On at least three occasions, Respondent made comments to this staff person regarding Respondent's feelings of attraction for her own supervisor.

(5) Respondent continually subjected the supervisee to sexual innuendoes and jokes.

G. Respondent was employed as clinical director at another clinic. Respondent's responsibilities included providing group and individual therapy to clients in day treatment programs for clients carrying multiple serious mental health diagnoses, including dissociative and multiple personality disorders. Respondent practiced beyond the scope of her LSW license in that Respondent practiced clinical social work with these clients.

H. Respondent is no longer practicing social work in Minnesota and does not intend to do so.

12. By Order dated January 17, 1997, the Minnesota Board of Social Work found Respondent's conduct to be inappropriate and further concluded that it required action under Minn. Stat. §§ 148B.26, subd. 1, and 148B.18, subd. 11 (1990), and Minn. R. 8740.0310, subps. 1, 3.A., 4, 4.A., 4.D., 4.E., 4.G., and 5. Respondent agreed that the conduct constituted a reasonable basis in law and fact to justify the disciplinary action.

13. By Order dated January 17, 1997, the Minnesota Board of Social Work ordered the following:

A. That the Respondent permanently surrender her license to practice social work in Minnesota, and that all Minnesota state licenses and certificates be surrendered to the Board within five days of service of the order.

B. That Respondent not practice social work in Minnesota.

C. That Respondent cease to advertise or otherwise hold herself out in any manner as being a licensee in that state.

### **CONCLUSIONS OF LAW**

1. The Social Work Section has jurisdiction in this matter pursuant to § 457.26, Wis. Stats.

2. By failing to file an Answer as required by § RL 2.09, Wis. Admin. Code, and by failing to appear at the hearing, Ms. Spiering is in default under § RL 2.14, Wis. Admin. Code, and the Social Worker Section may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.

3. Having had disciplinary action taken against her social work license by the Minnesota Board of Social Work, Mary Margaret Spiering has committed unprofessional conduct as defined in § SFC 20.02 (23), Wis. Admin. Code, and is subject to discipline pursuant to § 457.26(2)(h), Wis. Stats.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the certificate of Mary Margaret Spiering to practice social work in the State of Wisconsin and any existing right to renew it are **REVOKED**.

### **OPINION**

Under § 440.11 of the Wisconsin Statutes, credential holders have thirty (30) days in which to notify the Department of Regulation and Licensing (Department) in writing of a change of address. In addition, the statute provides that credential holders may be served with notice at the last-known address on file with the Department. Section RL 2.14 of the Wisconsin Administrative Code further provides that if a respondent fails to answer a complaint or fails to appear at a hearing, that he or she is in default. If found to be in default, the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence against a respondent.

In this case, Ms. Spiering failed to report her address changes to the Department. Nevertheless, the Division of Enforcement (Division) made several different attempts to locate her. Ms. Spiering was not only served with notice at her last-known address, but she was also served at her most recent forwarding address. Despite the Division's efforts, Ms. Spiering did not file an answer to the above-captioned complaint, nor did she appear at the scheduled hearing. The attempts to locate and serve Ms. Spiering are well documented and far exceed what is statutorily required to effect service. Ms. Spiering is clearly in default and has effectively admitted all of the allegations contained in the Complaint.

It is undisputed that the Minnesota Board of Social Work took disciplinary action against Ms. Spiering's social work license. Indeed, by Order dated January 17, 1997, the Minnesota Board agreed to the permanent surrender of Ms. Spiering's license to practice social work. Section SFC 20.02 (23), Wis. Admin. Code, states that it is unprofessional conduct for a social worker to have been disciplined in another jurisdiction. And, under § 457.26 (2) (h), Wis. Stats., the Board is authorized to impose discipline against an individual who has violated a Board rule. Additionally, because Ms. Spiering is in default, the Board is authorized to make findings based upon the Complaint and the other evidence contained in the record.

Ms. Spiering's conduct with respect to Clients 1 and 3, and with her other group therapy clients was unprofessional. By practicing beyond the scope of her license, by sexually harassing a subordinate, and by including false information on her renewal application, her conduct was likewise unprofessional. In light of Ms. Spiering's failure to appear and defend against these allegations, there is sufficient evidence in the record to justify the Findings of Fact and the Conclusions of Law set forth herein.

The question remains as to what the appropriate form of discipline is for Ms. Spiering. Revocation of her license has been recommended. It is well established that the objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*. 41 Wis. 2d 481, 485 (1969).

There is nothing in the record to suggest that imposing any discipline short of revocation would have a rehabilitative effect on Ms. Spiering or that she even has an interest in being rehabilitated. As to the deterrence of others, absent some mitigating evidence, imposing anything less than revocation would not aid in deterrence, but may instead wrongly encourage others to engage in similar conduct. Accordingly, revocation remains as the only way in which to safeguard the public. By revoking Ms. Spiering's certificate to practice social work, the public will be adequately protected from any further misconduct by Ms. Spiering.

Dated at Madison, Wisconsin, this 2<sup>nd</sup> day of July, 1999.

STATE OF WISCONSIN

DEPARTMENT OF REGULATION & LICENSING

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Jacquelynn B. Rothstein

Administrative Law Judge