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STATE OF WISCONSIN

BEFORE THE PROFESSIONAL COUNSELOR SECTION

EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

TED T. BRUCE, CPC

FINAL DECISION AND ORDER

RESPONDENT

LS0011301CPC

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

Ted T. Bruce, CPC

6110 N Port Washington Rd

Glendale, WI 53217

Professional Counselor Section

Wisconsin Examining Board of Social Workers,

Marriage & 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 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. Ted T. Bruce, CPC, Respondent, date of birth July 18, 1945, is certified by the Professional Counselor Section as a professional counselor in the state of Wisconsin, pursuant to certificate number 1930, which was first granted July 28, 1995.
2. Respondent received a master of arts degree, with a major of rehabilitation counseling, from Southern Illinois University-Carbondale on June 8, 1973.
3. Respondent's last address reported to the Department of Regulation and Licensing is 6110 N. Port Washington Road, Glendale, WI 53217.
4. From January 1, 1991 through December 12, 1997, Respondent provided psychotherapy to Mr. A at the Cambridge Group's office in Glendale, Wisconsin. Sessions were initially weekly and after a few months became bi-

weekly. Among the issues addressed by the therapy were inter-personal relationships, an eating disorder, AODA in remission concerns, primary relationship, parenting and abandonment issues.

5. At the time therapy commenced, Mr. A owned an engine repair business which was having financial difficulties. Those difficulties were discussed in therapy sessions.

6. Mr. A became unable to make the mortgage payments on the building he owned, which housed his business. Foreclosure proceedings were commenced and on December 19, 1994, the bank that held the mortgage purchased the building at a sheriff's sale for the amount owed on the mortgage plus foreclosure costs.

7. Mr. A could not continue to operate his business, without the building. He discussed his circumstances with Respondent in a therapy session and asked for Respondent's help. Mr. A asked that Respondent buy the building and lease it to Mr. A so Mr. A could continue his business.

8. Respondent recognized that there was a potential boundary issue if he followed Mr. A's request and they discussed this. Respondent contends that he suggested that Mr. A seek a new counselor if this was to go forward, but that Mr. A rejected Respondent's suggestion and begged Respondent to keep him as a patient and to buy his building to help save his business. Mr. A contends that there was no discussion about a new counselor.

9. Concerned about Mr. A's health, Respondent consulted with his own attorney who advised him there would not be a prohibited conflict of interest or dual relationship under SFC 20.02(13) if Respondent kept the transaction "at arm's length," created a separate limited liability corporation (the corporation) and insisted that Mr. A obtain his own independent legal counsel to represent him in the transaction.

10. Mr. A and Respondent each retained attorneys to represent them in the transaction. On February 16, 1995, Respondent bought the building from the bank for the amount the bank paid at the sheriff's sale. Respondent then leased the building to Mr. A's corporation and Mr. A personally, with an option for the corporation to purchase the building on or before February 28, 1998.

11. Mr. A's business did not improve and as early as 1995, he was late on making rent payments. Near the end of 1997, he stopped making rent payments to Respondent. Neither Mr. A nor his corporation ever purchased the building from Respondent. Mr. A has made no rent payments since 1997, while respondent and his corporation have continued to make all necessary mortgage, tax and insurance payments on the building.

12. Mr. A's business problems, including employee and customer alienation, as well as interpersonal relationships and the other concerns noted in paragraph 4, continued to be discussed in therapy until therapy with the Respondent concluded at the end of 1997.

13. Respondent contends that he purchased the building and leased it to Mr. A because he was concerned about the impact on Mr. A's mental and physical health had Mr. A's business failed at that time, and because he did not want to risk abandonment of Mr. A.

14. Respondent contends that his understanding of the boundary issue inherent in such a relationship, and his conduct in entering into it, was made in good faith, on the basis of legal counsel's advice and his reading of professional standards existing at that time. Respondent is now aware of the problems created by the dual relationship inherent in having both a therapeutic and business relationship with the same individual.

15. Professional standards required that Respondent transfer Mr. A's care to another psychotherapist prior to entering into the purchase of the building from the bank and the lease to Mr. A and Mr. A's corporation.

16. Subsequent to the above events, Respondent has voluntarily taken and completed the following continuing education relating to professional boundaries:

a. "Boundaries and Ethics in Social Work Practice: Understanding our Professional Responsibilities," approved for 5 continuing education hours, offered by the National Association of Social Workers – Wisconsin Chapter, on February 24, 2000.

b. "Ethics, Boundaries and the Law in Human Services," approved for 8 continuing education hours, offered by the Office of Continuing Education, University of Wisconsin-Stout, on March 22, 2000.

CONCLUSIONS OF LAW

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

2. The Professional Counselor Section of the 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, as set out above, constitutes failure to avoid a dual relationship, which is unprofessional conduct as defined by Wis. Adm. Code § SFC 20.02(13) and subjects Respondent to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Ted T. Bruce, CPC, is hereby REPRIMANDED for the above conduct.
2. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to the Section, or its designee, of Respondent's satisfactory completion of a program or programs equivalent to a full-day program addressing the issue of professional counselor - client relationship boundaries.
3. The courses taken and completed by Respondent, which are set out in Finding of Fact 16, satisfy the requirement of paragraph 2 of this order.

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 30th day of November, 2000.

Colleen James

Chairperson

Professional Counselor Section

Examining Board of Social Workers,

Marriage and Family Therapists, and

Professional Counselors