

# 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:

DALE C. MELSTROM,  
  
RESPONDENT

FINAL DECISION AND ORDER  
  
LS0111151SOC

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

Dale C. Melstrom  
  
1217 Debra Street  
  
Ellsworth, WI 54011

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. Dale C. Melstrom, Respondent, date of birth May 5, 1934, was certified by the Social Worker Section as a social worker in the State of Wisconsin pursuant to certificate number 5611, which was first granted September 5, 1995.
2. Respondent received a Bachelor of Arts degree in liberal arts from the University of Wisconsin-River Falls on June 11, 1957.
3. Respondent was granted social worker certification pursuant to the grand-parenting provisions of 1991 Act 160, § 21(2)(a)2 and § SFC 3.03, Wis. Adm. Code, based upon his having been employed as a social worker at some time between May 1, 1992 and April 30, 1993.

4. Respondent's last address reported to the Department of Regulation and Licensing is 1217 Debra Street, Ellsworth, WI 54011.
5. Respondent, for personal reasons, elected not to renew his certification when it expired June 30, 2001, but could renew it at any time by payment of the fee and providing proof of having complied with the continuing education requirements.
6. From November 16, 1964 to May 28, 1999, Respondent was employed as the Director of the Pierce County Department of Human Services (PCDHS). During the entire time Respondent was Director at PCDHS, Respondent hired individuals to work as social workers, case workers and other positions at PCDHS.
7. Since May 1, 1993, § 457.04(1), Stats., has prohibited the use of the title "social worker" by any individual not certified by the Section.
8. On several occasions subsequent to May 1, 1993, Respondent was aware that an individual, who Respondent hired for a position in which the person would represent himself or herself to the public as a social worker, was not certified as a social worker. Respondent was aware that those individuals used the title "social worker" in their employment at PCDHS while not being certified as social workers.
9. Respondent contends that at the time he employed the individuals referred to in finding of fact 8, Respondent believed that there was a six-month "grace" period following commencement of employment during which an uncertified person could use the title "social worker," prior to obtaining certification.
10. No six month "grace" period has ever existed.
11. After the individuals referred to in finding of fact 8 were employed, Respondent made no attempt to determine if those persons obtained social worker certification within six months, as he contends that he believes was appropriate. Some of those individuals worked at PCDHS identifying themselves as social workers for more than six months without obtaining certification.

#### 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, by having aided and abetted the violation of § 457.04(1), Stats., has committed unprofessional conduct as defined by § SFC 20.02(19), Wis. Adm. Code, and is subject to discipline pursuant to § 457.26(2)(f), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Dale C. Melstrom is REPRIMANDED for the above conduct.
2. If Respondent ever seeks to renew his certification as a social worker or applies to 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 renewed or 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 investigative file 98 SOC 011.
  - c. Following the presentation of information by the Division and review of information provided by Respondent, the Section may in its sole discretion elect to renew or certify Respondent, with or without limitations, or to deny Respondent's petition.
  - d. If Respondent believes that the Section's denial of renewal or 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 renewal or certification or limitations on Respondent's certification shall remain in effect until there is a final decision in Respondent's favor on the issue.

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

Dated at Madison, Wisconsin this 15th day of November, 2001.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section