

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : LS0209091HAD  
PETER B. WISLA, :  
RESPONDENT. :

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FINAL DECISION AND ORDER

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

Peter B. Wisla  
12527 Hwy W  
HC-1, Box 506  
Presque Isle, WI 54557

Wisconsin Hearing and Speech Examining Board  
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 of this matter, subject to the approval of the Hearing and Speech Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## **FINDINGS OF FACT**

1. Peter B. Wisla, Respondent, date of birth October 26, 1953, is licensed by the Wisconsin Hearing and Speech Examining Board as a speech-language pathologist in the state of Wisconsin, pursuant to license

number 617, which was first granted August 13, 1993.

2. Respondent's last address reported to the Department of Regulation and Licensing is 12527 Hwy W, Presque Isle, WI 54557. Respondent has corresponded with the Division of Enforcement (DOE) using the address HC-1, Box 506, Presque Isle, WI 54557.

3. During the events of this matter, Respondent resided in the state of New York, held a valid license to practice speech pathology in the state of New York and was employed by North Coast Therapy in Waddington, NY.

4. On February 13, 2001, a New York State Police Trooper responded to a call at a residence in Norwood, New York, where the trooper interviewed a 21-year-old woman who told the trooper that earlier that day:

a. She was at that location babysitting a 3-year-old boy in his home. She and the boy were the only ones present at the home.

b. At approximately 9:00 a.m., Respondent arrived at the child's residence to provide speech pathology services to the boy. A short time after Respondent arrived, the child walked into the bathroom and Respondent followed him. They were in the bathroom for a few minutes, with the door open. There were no sounds indicating that the toilet was being used.

c. When Respondent came out of the bathroom, the babysitter saw that Respondent's pants were buttoned but unzipped with his erect penis sticking out through the open zipper closure. Respondent walked around the house with his penis exposed in that manner in the presence of the child and stood near the babysitter in a way that she felt was for the purpose of drawing her attention to his penis.

d. Respondent then went upstairs with the child. When Respondent came back downstairs, he sat down on the couch in a manner in which he covered his penis, but the babysitter could see that he began masturbating.

e. At that time, the babysitter called her father who subsequently arrived at the residence and told Respondent to leave.

f. Respondent did not have any sexual contact with the babysitter and there is no evidence that he had sexual contact with the child.

5. A few days later, the police contacted Respondent and asked to interview him. Respondent retained an attorney and declined to make any statement to the police, at any time.

6. On February 21, 2001, Respondent was charged with violating § 260.10(1) of the Penal Law of the State of New York [Endangering the Welfare of a Child], a misdemeanor. The Criminal Information alleged that, on February 13, 2001, Respondent exposed his erect penis through his unzipped pants and masturbated in the presence of a 3-year-old male.

7. In March 2001, the New York State Education Department, Office of Professional Discipline commenced an investigation of Respondent's professional licensure in that state, based on the allegations of sexual misconduct with a minor patient.

8. Respondent entered into a plea bargain with New York authorities by which Respondent agreed to surrender his New York professional license and agree to a conviction of the lesser charge of violating PL 245.01, Exposure of a person.

9. On April 4, 2002, Respondent was convicted in St. Lawrence County New York of violating § PL 245.01 of the Penal Law of the State of New York [Exposure of a person], a misdemeanor. Respondent was fined

\$100 and was ordered to pay an additional surcharge of \$65. Respondent paid \$165 on June 4, 2002.

10. § PL 245.01 of the Penal Law of the State of New York [Exposure of a person] is a law the circumstances of which substantially relate to the practice of speech-language pathology.

11. After being contacted by the Division of Enforcement, Respondent now contends the following regarding the incident which took place February 13, 2001 in Norwood, New York:

- a. That the zipper in the fly of his pants was left open accidentally, after he attempted to urinate.
- b. That it may have been possible that his open fly revealed skin without his knowledge. He states: "It may have been secondary to an open fly, wearing boxer shorts, using breathing techniques with associated hand positions which promote smooth muscle relaxation and hence distention, and being engaged in active movements at multiple levels and directions."
- c. That he did not stimulate his penis with his hand. He states that: "In order to maintain the required quality of speech sound production modeling, I consistently made use of assistive breathing postures and hand positions so as to match the breathing level to the vowel sound frequency and related oro-pharyngeal-airway shape. My hands were placed near the juncture of my upper leg and abdomen in order to effectively execute the targeted sound parameters."
- d. That the woman's belief that she saw him masturbating was the result of: "The perception of appearances is affected by prior experience and psychological/emotional state. The sitter had never seen hand positions such as those employed during the session and did not recognize them as therapeutic techniques. When seen placed near an open zipper her thought processes may have generated the ideas of exposure and self stimulation."

## CONCLUSIONS OF LAW

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction over this matter pursuant to § 459.34(2), Stats.

2. The Wisconsin Hearing and Speech Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by having been convicted of an offense the circumstances of which substantially relate to the practice of speech-language pathology, has violated Wis. Admin. Code § HAS 6.18(1)(c) and is subject to discipline pursuant to § 459.34(2)(c), Stats.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by Peter B. Wisla of his license as a speech-language pathologist in the state of Wisconsin is hereby accepted, effective immediately.

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 9th day of September, 2002.

Gerard L. Kupperman, Ph.D.

Chair

Hearing and Speech Examining Board