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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0304231SOC
DIANE K. HAMILTON, C.S.W., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Diane K. Hamilton, C.S.W.

W16593 Hwy 194

Sheldon, WI 54766

Social Worker Section

Marriage and Family Therapy, Professional Counseling

and Social Work Examining Board

PO 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 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. Diane K. Hamilton, C.S.W., Respondent, date of birth November 19, 1946, is certified by the Social Worker Section as a social worker in the state of Wisconsin pursuant to certificate number 7826, which was first granted June 7, 2001.

2. Respondent's last address reported to the Department of Regulation and Licensing is W16593 Hwy 194, Sheldon, WI 54766.

COUNT I

3. From January 1998 through October 25, 1998, Respondent had a temporary permit as a social worker in the State of Wisconsin, number 577. Respondent had applied for certification as a social worker in January 1998 and the temporary permit was granted as part of the application process. Respondent did not become certified as a social worker at that time because she failed the national examination for certification in December 1998.

4. Beginning February 1998, Respondent was employed by the L. E. Phillips – Libertas Center, as a social worker. L. E. Phillips – Libertas Center had a contract to provide social worker services to the Wisconsin Department of Corrections' St. Croix Correctional Center in New Richmond, Wisconsin. Respondent was assigned as a social worker at the St. Croix Correctional Center.

5. On March 3, 1998, Respondent signed a document acknowledging that she had received a copy of the Department of Corrections (DOC) policy statement on fraternization. Among other things, the document said:

"I am aware of the contents of the fraternization policy and the guidelines concerning relationships between employees of the Department of Corrections and inmates, clients and juvenile offenders. I understand that it is my responsibility to report any possible conflicts with the policy to my supervisor. If necessary, I will request an exception to the policy."

6. On August 28, 1998, DOC officials conducted an investigative interview of Respondent. Respondent admitted that she had 6 personal contacts with a current DOC client residing in a local halfway house. Respondent had met the DOC client while he was an inmate at St. Croix Correctional Center. He was released from St. Croix Correctional Center on August 13, 1998. Respondent was warned that such contacts were in violation of the fraternization policies and that further violations could result in her discharge from employment.

7. In September 1998, the same DOC client signed out of the halfway house on a weekend pass. The client listed a false address as the place he would spend the weekend. He actually spent the weekend at Respondent's home with her family.

8. Because of Respondent's continuing violations of the DOC fraternization policy, on October 5, 1998, the Wisconsin Department of Corrections wrote to the Director of the L. E. Phillips – Libertas Center and advised that Respondent would no longer be allowed on the grounds of the St. Croix Correctional Center. On

October 8, 1998, Respondent was terminated from her position as a social worker by the L. E. Phillips – Libertas Center.

COUNT II

9. From August 13, 2001 to January 16, 2002, Respondent was employed by DOC as a social worker at Jackson Correctional Institution. The employing authority at Jackson Correctional Institution was not aware of Respondent’s employment history at L. E. Phillips – Libertas Center and the St. Croix Correctional Center.

10. On December 27, 2001, DOC became aware of allegations that Respondent had violated the fraternization policy at Jackson Correctional Institution and began an investigation. The allegations were that Respondent had asked an inmate to provide her with security by attending a class she was giving to a group of inmates. The inmate, who was not a member of the class, attended and performed that function on December 3 and 4, 2001. This was a violation of the fraternization rule.

11. During the course of the investigation, DOC authorities at Jackson Correctional Institution became aware of Respondent’s 1998 violations of the fraternization policy at St. Croix Correctional center and her omission of that information from the materials she submitted to Jackson Correctional Institution at the time she was employed.

12. On January 16, 2002, the Wisconsin Department of Corrections wrote to Respondent and notified her that her employment as a social worker at the Jackson Correctional Institution had been terminated. The termination was based primarily on the newly gained information regarding the conduct at St. Croix Correctional Center in 1998.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to § 457.26(2), Stats.

2. The Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by having failed to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest, has engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13) and is subject to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by Diane K. Hamilton of her certificate as a social worker in the State of Wisconsin is hereby ACCEPTED, effective immediately.

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 24th day of April, 2003.

George J. Kamps, L.C.S.W.

Chairperson

Social Worker Section