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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
DAVID ALAN SEYMOUR, L.C.S.W., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

David Alan Seymour, L.C.S.W.

743 Park Street
Wrightstown, WI 54180

Social Worker Section
Marriage and Family Therapy, Professional Counseling
and Social Work 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 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. David Alan Seymour, L.C.S.W., Respondent, date of birth May 2, 1958, is licensed by the Social Worker Section as a clinical social worker in the state of Wisconsin pursuant to license number 2477, which was first granted April 4, 1994. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as an independent clinical social worker.)

2. Respondent received a Master's Degree in Education from the University of Wisconsin-River Falls on May 27, 1988 and was granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160, § 21(2)(b). For this reason, Respondent did not take the examination otherwise required for certification.

3. Respondent's last address reported to the Department of Regulation and Licensing is 743 Park Street, Wrightstown, WI 54180.

4. Respondent provided individual psychotherapy to Ms. A at Utech Counseling & Consulting in De Pere, Wisconsin from April 22, 1998 to September 10, 2001. They had 75 sessions.

5. On April 11, 2001, during a therapy session, Ms. A told Respondent that she had romantic feelings for him. Ms. A contends that Respondent said that he was attracted to her and that the session ended with them hugging and a kiss on the cheek. Respondent noted in Ms. A's treatment record:

"Shared with this writer that she has romantic feelings toward this writer. Processed those feelings. Illustrated how those feelings need to be 'on the table.' Normalized those feelings and addressed the difference between having the feelings and acting them out. Consulted with staff psychologist about this following the session."

6. Respondent's notes of the next session on April 25, 2001, say:

"Cont. to address her feelings for this writer, states she has 'moved on,' that it was no longer an issue for her. Stated she wants a 'therapist, not a lover.'"

7. The psychotherapeutic relationship ended September 10, 2001 because Respondent was moving to another practice location. Respondent recommended that Ms. A transfer to Family Services and Ms. A said she would consider doing so.

8. Approximately two weeks after the termination of the professional relationship, Respondent called Ms. A and told her he had become aware of a potential job for her working where he was. Ms. A did not follow through on seeking the

job.

9. A few weeks later, Respondent called Ms. A and asked if he could visit her at her apartment. She consented to the visit and he stopped by. During the visit, they hugged and kissed and Respondent placed his hand under Ms. A's shirt and on her breasts.

10. Respondent came to Ms. A's home a second time in which they kissed while Ms. A had her shirt off. He came to her home a third time, which was just before Christmas 2001, and they had sexual intercourse together for the first time.

11. Respondent and Ms. A continued to meet and have sexual contact on a weekly basis. In mid-2002, Ms. A came to realize that Respondent was using her for sex and that he would not leave his wife to be with her. Their last sexual contact was December 13, 2002.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin 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 Wisconsin 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 engaging in sexual conduct with a former client within 2 years of termination of professional services, has committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(11), and is subject to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the license of David Alan Seymour, L.C.S.W., to practice as a clinical social worker in the state of Wisconsin is hereby SUSPENDED for a period of at least two years, effective immediately.

2. That Respondent may petition the Social Worker Section for the termination of the suspension, after two years, under the following terms and conditions:

a. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental

health care provider experienced in assessing health care providers who have become involved sexually with patients or clients, who has not treated Respondent.

b. The practitioner performing the assessment must have been approved by the Section, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Section that Respondent can practice with reasonable skill and safety of clients and public.

d. If the Section determines to end the suspension, Respondent's license shall be limited in a manner to address any concerns the Section has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

i. Psychotherapy, at Respondent's expense, by a therapist approved by the Section, to address specific treatment goals, with periodic reports to the Section by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Section, with periodic reports to the Section by the supervisor.

e. Respondent shall appear before the Section on an annual basis, if requested by the Section, to review the progress of any treatment and rehabilitation.

3. Any request for approval of an evaluator, therapist, supervisor or educational program required by this Order shall be mailed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

4. If Respondent believes that the Section's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Section under paragraph 2d 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 suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2d above, may constitute grounds for revocation of Respondent's license as a clinical social worker in Wisconsin. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed

under paragraph 2d above, the Section may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

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 26th day of June, 2003.

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

Chairperson

Social Worker Section