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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 :
 : LS0307241SOC
GAIL E. WOLF, :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Gail E. Wolf
2007 Kilps Drive
Waukesha, WI 53188

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
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. Gail E. Wolf, Respondent, date of birth April 27, 1948, was certified by the Social Worker Section as a social worker in the state of Wisconsin pursuant to certificate number 384, which was first granted August 2, 1993.

2. Respondent received a bachelor's degree in social work from the University of Wisconsin-Whitewater in 1992 and a masters degree in social work from the University of Wisconsin-Madison in 1996.

3. Respondent received her certification under the grandparenting provisions of Wis. Adm. Code § SFC 3.03 and the nonstatutory provisions of section 21 of 1991 Wisconsin Act 160 and therefore was not required to take and pass the examinations currently required for certification as a social worker.

4. Respondent has not renewed her social worker certificate since it expired on June 30, 2003 but could renew it pursuant to § 440.08(3)(a), Stats. and Wis. Adm. Code § SFC 1.08(2) by payment of fees and proof of completion of continuing education requirements.

5. Respondent's last address reported to the Department of Regulation and Licensing is 2007 Kilps Drive, Waukesha, WI 53188.

COUNT I

6. From August 24, 1992 to December 17, 1999, Respondent was employed at Ethan Allen School in Wales, Wisconsin, performing social work duties. Originally, Respondent was an employee of the Wisconsin Department of Health and Social Services but in 1996, Ethan Allen School and Respondent's employment was transferred to the Wisconsin Department of Corrections (DOC), Division of Juvenile Corrections.

7. Ethan Allen School is a juvenile correctional facility for male juvenile delinquents, who's committing offenses would be considered felonies had they been committed by adult offenders.

8. Mr. A was sent to the reception center and then retained at Ethan Allen School in April of 1994, when he was 14 years of age, as a result of his being adjudged delinquent for the gang rape, at gun point, of a 13-year-old girl. Mr. A was under extended jurisdiction to October 14, 2000, his twenty-first birthday.

9. Respondent was assigned as Mr. A's social worker from May 7, 1997 to April 1, 1998. Mr. A also resided in the unit where Respondent was employed and attended classes and groups taught by Respondent. At that time, Respondent was a senior treatment social worker. Respondent was promoted to treatment specialist effective February 15, 1999.

10. Respondent's job duties with Mr. A ended January 19, 1999, when he was paroled from Ethan Allen to Kenosha Youth Development Services. Subsequently, on April 29, 1999, he was transferred to the Youth Corrective Sanctions Program in Milwaukee. Mr.

A remained a DOC client during both placements.

11. At all times during Respondent's employment, DOC had a fraternization policy which prohibited employees from having any personal contacts with corrections clients other than those contacts required by their job duties, unless the contact was approved by a supervisor. The policy also required employees to report unexpected contacts to the employee's supervisor.

12. Between January 19, 1999 and December 6, 1999, while Mr. A was on parole, Respondent had contacts with Mr. A that were in violation of DOC's fraternization policy. Mr. A remained a DOC client, but the contacts were not part of Respondent's job duties. Respondent neither requested an exception from the policy for these contacts nor reported the contacts to her supervisor.

a. Respondent picked Mr. A up in Milwaukee and took him to and from a program.

b. Respondent had numerous telephone contacts with Mr. A, including 20 calls to Mr. A's contact numbers from November 1, 1999 to December 6, 1999, using the telephone in her office at Ethan Allen School.

13. On December 6, 1999, Mr. A was returned to Ethan Allen on a sanction/administrative detention for having violated terms of his parole. While Mr. A was in detention, Respondent met with Mr. A on the dates and at the times set out below. Contact with Mr. A was in violation of DOC's fraternization policy because they were not part of Respondent's job duties and because Respondent neither requested an exception from the policy for these contacts nor reported the contacts to her supervisor.

a. December 6, from: 7:35 p.m. to 8:35 p.m.

b. December 7, from: 12:30 p.m. to 1:30 p.m.

c. December 8, from: 5:10 p.m. to 6:00 p.m.

d. December 9, from: 6:15 p.m. to 7:35 p.m.

14. Respondent's unauthorized contacts with Mr. A in detention were reported to supervisory staff at Ethan Allen, who investigated and discovered the unauthorized telephone contacts. On December 10, 1999, Respondent was handed a letter by DOC authorities that she was suspended from employment with pay while DOC investigated Respondent's violations of the DOC fraternization policy in having contacts with Mr. A. While being "walked off the grounds," Respondent said: "Don't worry about investigating this case. I won't be back. On December 16, 1999, Respondent sent a letter to DOC resigning her position effective December 17, 1999.

15. Respondent's violations of DOC's fraternization policy constituted gross negligence in practice in a single instance and negligence in practice in more than one instance.

COUNT II

16. DOC reported Respondent's resignation to the Section, as required by § 457.25(1), Stats. The Section directed the Division of Enforcement (DOE) to investigate the matter. Through its investigation, DOE became aware that Respondent had continued to have contacts with Mr. A, after leaving her position at Ethan Allen and attempted to learn the nature of those contacts to determine if other violations of the Section's rules had occurred.

17. On March 4, 2003, a DOE investigator wrote to Respondent. Among other things, the letter said:

"Did you have a personal relationship with Mr. [A] and did it involve sexual contact? Have you engaged in personal relationships with any social work client? If so, explain."

18. In response, Respondent sent a letter dated March 12, 2003, which, among other things, stated:

"My relationship with Mr. [A] remained on a professional level. There was never any sexual contact. I have never engaged in a personal relationship with a client. Mr. [A] contacted me sometime after his release, via phone call. To the best of my recollection, I believe it was in regards to obtaining a medical card, employment issues, and therapy. He had been requesting assistance from his aftercare agent with no response. I believe I left a message for his aftercare agent relaying Mr. [A]'s concerns, but got no response. I recall consulting with his OJOR reviewer on what other options he may have. I was told to contact the aftercare agent's supervisor and give her the information, as the reviewer believed the agent was not providing appropriate supervision and care. I believe I called the supervisor and relayed my concerns to her."

19. On March 24, 2003, the investigator wrote to Respondent again, seeking clarification regarding the response. The letter said:

- "1) You state that your relationship with [Mr. A] remained on a professional level. Please account for every occasion, since leaving EAS, that you have had contact (phone or in-person) with [Mr. A].
- 2) In listing those contacts as best you recall, cite the reason for those contacts.
- 3) You indicated that your relationship with [Mr. A] was on a professional level. We could not determine from your answer if you were referring to when you had contact with him at EAS or outside of EAS. So to clarify, did any of the in-person meetings with [Mr. A], after you had left EAS, involve sexual touching between the two of you?

Please keep in mind that should you deny the allegations and it is later proven in a hearing that you lied, history shows that a more severe disciplinary action will be sought compared to had the conduct been admitted at the beginning of the process."

20. Although Respondent knew she had a significant number of in-person and telephone contacts with Mr. A after she left Ethan Allen School, she responded with an April 1, 2003 letter, which said:

"I believe that I have answered all your questions, to the best of my recollection. I don't know what more I could tell you. However, I did recall one other phone contact I had with Mr. [A]. He called me at my office because a girl he had been seeing was pregnant and he was afraid he would get into trouble. I believe we had a short discussion about that and I told him he should probably talk to his aftercare agent."

21. On April 8, 2003, the investigator wrote to Respondent again. The letter said:

"We have evidence that you have had several contacts with Mr. [A] after you left EAS. It appears you are being untruthful and misleading in your responses to our inquiry, relative to your involvement with him. . . . [W]e are giving you one last chance to 'fess up.'"

22. Respondent's letter of response dated April 14, 2003, said:

"As I have stated previously, I have answered your questions to the best of my recollection after four years. If it is your belief that I am being untruthful, please be more specific on dates/times and situations and I would try to narrow down that specific time period in my life, four years ago, in order to assist you further."

23. Because the only contacts with Mr. A which Respondent reported were two telephone calls and because DOE had evidence that Respondent had in-person contacts with Mr. A, DOE subpoenaed Respondent to answer questions under oath. That questioning took place on May 15, 2003. During the questioning:

- a. Respondent was asked whether there was anything in her letters responding to DOE which she knew to be false at the time she wrote it. She answered "no."
- b. Respondent was asked whether there was anything in her letters responding to DOE which she believed to be true when she wrote them, but subsequently found out was not true. She said that there was not, other than in response to the questions regarding sexual contact, she remembered she had given Mr. A supportive hugs a couple of times.
- c. Only then, after being confronted with facts of other contacts with Mr. A after she left Ethan Allen, did Respondent admit them.

24. Respondent now admits having had the following contacts with Mr. A, which she omitted from her responses to DOE:

- a. She met Mr. A and took him to a Department of Transportation Center on

December 19, 2000 so he could obtain an identification card. [DOT records show that they each did business at that center on that date and they each gave the same residence address.]

b. On January 18, 2001 at 10:44 p.m., Waukesha police officers responded to an attempted burglary at an apartment across the hall from Mr. A's apartment. The police interviewed Mr. A and Respondent, who was at Mr. A's apartment at that time. They told the police that Respondent had picked up Mr. A at 6:00 p.m., dropped him off somewhere and she returned to his apartment at 8:00 p.m. Then she left the apartment at 8:30 p.m., picked up Mr. A and they both returned to his apartment at 9:45 p.m. where they remained until interviewed by the police.

c. She met Mr. A at his sister's home in Milwaukee on at least two occasions.

d. Mr. A listed Respondent's home address on his sex offender's registration. [Respondent contends that she learned this in April of 2002]

e. She met with Mr. A and gave him a job application for a company in Pewaukee. There was a subsequent meeting with Mr. A in which she transported him to Pewaukee so he could take a test as part of the job application process.

f. On one occasion, she met with Mr. A, gave him her ATM card and allowed him to use it to withdraw money.

g. On March 19, 2002, Mr. A was at her house because he was having problems with his girlfriend. Respondent took him in her car while she used her ATM card to withdraw \$50. She gave him the money and drove him back to Milwaukee.

h. On April 9, 2002, she reported to the police that her ATM card had been used by someone without her permission 3 times to withdraw a total of \$723.75 and she suspected Mr. A. In her report to the police, she said Mr. A was a friend and that he would sometimes be at her home.

i. On July 4, 2002, Mr. A was taken into custody by the Milwaukee County Sheriff's department and within a couple of days, Respondent visited him in jail to ask about the use of her ATM card.

j. On November 21, 2002, Respondent was called by Mr. A's parole agent. Although Respondent had seen Mr. A in jail four months earlier, she told the agent she had not talked to Mr. A for six to eight months.

25. Respondent continues to assert that she never had any sexual contact with Mr. A. She also continues to deny that Mr. A ever stayed overnight at her residence.

However, Mr. A was interviewed by DOC authorities on May 19, 2000, after being an absconder from January 19, 2000 until May 18, 2000. In that interview, he reported that he had been staying at the homes of friends and relatives, including Respondent's home. In addition, the police reports of April 2002 say that Respondent told them that Mr. A sometimes stayed at her place when he was having problems with his girlfriend.

26. DOE has been unable to find and interview Mr. A because he remains an absconder. When Mr. A was interviewed by DOC authorities on November 20, 2002, he denied ever having sexual contact with Respondent.

27. Respondent, by responding falsely to DOE's inquiries of her made on behalf of the Section, has reported distorted, false, and misleading information and made false statements in practice.

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 engaging in the conduct set out in Count I above, committed gross negligence in practice in a single instance and negligence in practice in more than one instance, which is defined as unprofessional conduct by Wis. Adm. Code § MPSW 20.02(22) [formerly SFC 20.02(22)], and is subject to discipline pursuant to § 457.26(2)(f), (g) & (h), Stats.

4. Respondent, by responding in a deceitful manner to inquiries made of her in the course of the Section's investigation to determine whether Respondent had violated rules or statutes enforced by the Section, has reported distorted, false, or misleading information and made false statements in practice, which is defined as unprofessional conduct by Wis. Adm. Code § MPSW 20.02(7) [formerly SFC 20.02(7)], and is subject to discipline pursuant to § 457.26(2)(g), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's certification and right to renew her certification as a social worker in the State of Wisconsin is hereby REVOKED, effective immediately.

Dated at Madison, Wisconsin this 24th day of July, 2003.

George Kamps, L.C.S.W.

Chairperson

Social Worker Section