

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	LS0407073CPC
MICHAEL JOHN HERMSMEIER, L.P.C.,	:	
RESPONDENT.	:	

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FINAL DECISION AND ORDER

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

Michael John Hermsmeier, L.P.C.  
416 W. Oak Street  
Cottage Grove, WI 53527

Professional Counselor 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 Professional Counselor 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. Michael John Hermsmeier, L.P.C., Respondent, date of birth January 5, 1967, is licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin pursuant to license number 2827, which was first granted May 24, 1999. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a professional counselor.)

2. Respondent's last address reported to the Department of Regulation and Licensing is 416 W. Oak Street, Cottage Grove, WI 53527.

3. During the events of this matter, Respondent was employed by the State of Wisconsin Department of Workforce Development (DWD) as a Vocational Rehabilitation Counselor for the Division of Vocational Rehabilitation (DVR) in Madison, Wisconsin. Respondent's responsibilities included provision of vocational rehabilitation services to persons with disabilities, including but not limited to: vocational counseling and planning; arranging for vocational evaluation and training, and providing job placement and follow-up to job-ready clients.

4. In the course of providing vocational rehabilitation services, Respondent invited seven DVR clients to attend

religious group meetings in his home, his father's home and at his church. If a client mentioned God in a conversation with Respondent, Respondent would invite the client to attend the group. In response to the invitations, three of those clients attended at least one of the religious study groups in those locations.

5. One of the clients said that she felt coerced into attending the bible study group.

6. Respondent kept on top of his desk at DVR a business card for a private Christian counseling service operated by another DVR counselor in that office. One of Respondent's active DVR clients saw the business card and expressed an interest in considering Christian counseling services. Respondent introduced the client to the other counselor so the client could obtain private counseling services from that counselor.

7. As a result of his conduct, Respondent was suspended from his employment as a DVR counselor without pay from September 22 through October 3, 2003 for violation of DWD work rules.

### CONCLUSIONS OF LAW

1. The Professional Counselor 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., and has authority to enter into this stipulated resolution pursuant to § 227.44(5), Stats.

2. Respondent, by failing to avoid a dual relationship or relationship that may impair Respondent's objectivity or create a conflict of interest, has committed 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

1. Respondent, Michael John Hermsmeier, L.P.C., is hereby REPRIMANDED for the conduct set out above.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$475.00 pursuant to § 440.22(2), Stats.

3. Within 6 months of the date of this Order, Respondent shall take and complete a minimum of 6.5 hours of continuing education on the subject of boundaries and ethics.

- a. The course or courses shall first be approved by the Section or its designee as satisfactory for the purposes of this Order.
- b. Respondent shall provide proof sufficient to the Section of Respondent's satisfactory completion of the continuing education within 30 days of completion.
- c. Respondent is prohibited from applying any of the hours completed to satisfy the terms of this Order toward satisfaction of the continuing education required during the July 1, 2003 through June 30, 2005 registration biennium.

4. Any requests, notices, proof or payments shall be mailed, faxed 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  
Fax: (608) 266-2264

5. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a professional counselor in Wisconsin. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order, 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 7<sup>th</sup> day of July, 2004.

Susan Putra, L.P.C.  
Chairperson  
Professional Counselor Section