

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0407074CPC
MICHAEL C. LAWSON, L.P.C., :
RESPONDENT. :

FINAL DECISION AND ORDER

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

Michael C. Lawson, L.P.C.
3428 N. Sherman Boulevard
Milwaukee, WI 53216

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 C. Lawson, L.P.C., Respondent, date of birth December 20, 1953, is licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin pursuant to license number 3292, which was first granted December 4, 2003.

2. Respondent's last address reported to the Department of Regulation and Licensing is 3428 N. Sherman Boulevard, Milwaukee, WI 53216.

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.

COUNT I

4. Respondent sent to and received from clients e-mails which were not relevant to the client's case or Respondent's duties as a Vocational Rehabilitation Counselor:

- a. Client 1, a 23-year-old female, received the following unsolicited e-mails from Respondent:
 - i. On May 29, 2003, an e-mail entitled "PLEEEEEEASE READ!!!! It was on the News!" The e-mail promised financial gain to anyone who forwarded the chain e-mail to others.
 - ii. On May 30, 2003, an e-mail entitled "THIS IS SO POWERFUL . . I DO HOPE THAT YOU TAKE THE TIME TO READ" which included a message of a religious nature.
- b. Client 2, a 39-year-old female, received the following e-mails from Respondent:
 - i. On May 2, 2003, an e-mail entitled "Deathbyviagra.jpg" with an attached cartoon of a casket with an erect penis sticking up from the inside of the casket.
 - ii. On June 13, 2003, an e-mail entitled "Free Bottle Of Penis Enlargement Pills.htm" with an attached 13-page advertisement for penis enlargement pills.
- c. On May 16, 2003, Client 2 e-mailed Respondent a joke about a prostitute.

COUNT II

5. In June 2003, Client 1 complained to Respondent's supervisors and alleged that:

- a. He had sent her the unsolicited e-mails, which caused her significant distress due to her disability.
- b. The previous summer of 2002, while Respondent was giving her a ride home, he drove her to a secluded alle parked the car and made an inappropriate statement to her that "this is where another consumer showed me her stuff" and told her it would be nice if she wore skirts when she came to see him. Client 1 alleged that following that time, she felt uncomfortable with Respondent and was afraid to ask for DVR services.

6. On July 10, 2003, Respondent's supervisors met with Respondent to investigate the allegations made by Client 1. Respondent denied Client 1's allegations of what occurred in 2002. Before the interview but after Respondent became aware that Client 1 had complained about him, Respondent alleged to his supervisor that following a meeting with Client 1 in the fall of 2002, Client 1 had abruptly and unexpectedly exposed her bare behind to him. This was the first time Respondent had ever told anyone at his employment about that "exposure" incident and he had not noted it in Client 1's records. Respondent also told his supervisors that after the "exposure" incident, Respondent avoided face to face contact with Client 1.

7. For almost a year, Respondent did not inform his supervisors about the "exposure" incident nor did he seek any alternatives that would have provided Client 1 the opportunity to receive needed Vocational Rehabilitation counseling services.

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 sending the e-mails to Clients 1 and 2, failed to avoid a dual relationship or relationship that may impair Respondent's objectivity or create a conflict of interest, which is unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), and is subject to discipline pursuant to § 457.26(2)(f), Stats.

3. Respondent, by failing to report the "exposure" incident involving Client 1 to his supervisors and failing to record it in her records, failed to maintain adequate records, which is unprofessional conduct as defined by Wis. Admin. Code

§ MPSW 20.02(18), and is subject to discipline pursuant to § 457.26(2)(f), Stats.

ORDER

1. Respondent, Michael C. Lawson, L.P.C., is hereby REPRIMANDED for the conduct set out above.
2. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$275.00 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 7th day of July, 2004.

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