

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

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 :
 :
 :
JOHN MICHAEL SAPP, : Case No. LS 0503091 SOC
RESPONDENT. :
 :
 :

FINAL DECISION AND ORDER

PARTIES

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

John Michael Sapp
N1718 S. Main Street
Fort Atkinson, WI 53558

John R. Zweig
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on April 26, 2005, before Administrative Law Judge Colleen M. Baird. The Division of Enforcement appeared by Attorney John R. Zweig. The Respondent did not appear and did not file an answer. The Complaint and Notice of Hearing was filed on March 9, 2005, and mailed to the respondent at his address of record with the Department of Regulation and Licensing and to an additional post office box address provided by the Clerk of Court. Based on the entire record in this case, the undersigned Administrative Law Judge hereby recommends that the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board adopt as its final decision and order in this matter, the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. John Michael Sapp, Respondent, date of birth July 20, 1949, was certified by the Social Worker Section as an advanced practice social worker in the state of Wisconsin pursuant to certificate number 1109, which was first granted on July 31, 1995.
2. Respondent received a master's degree in counseling from the University of Wisconsin-Whitewater in May 1995

3. Respondent received his certification under the grandparenting provisions of Wis. Admin. Code § SFC 3.02 (repealed 12/1/99) and the nonstatutory provisions of section 21 of 1991 Wisconsin Act 160. Respondent does not have a master's degree in social work and has not taken and passed the examinations both of which are currently required for certification as an advanced practice social worker.
4. Respondent has not renewed his advanced practice social worker certificate since it expired on June 30, 2003 but could renew it pursuant to Wis. Stat. § 440.08(3)(a) and Wis. Admin. Code § MPSW 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 N1718 S. Main Street, Fort Atkinson, WI 53538. However, on February 11, 2005, Respondent reported to the Jefferson County Clerk of Courts that his current address is P.O. Box 254, Fort Atkinson, WI 53538.
6. From 1995 to August 5, 2003, Respondent was employed at Jefferson County Human Services Department (JCHSD).
7. On May 31, 2001, Respondent was working in JCHSD's Intake Office. While Respondent was conducting an intake inquiry with a juvenile male client and the boy's father, Respondent screamed at the client using obscenities. The boy's father complained about the conduct to Respondent's supervisor. In addition, staff members, including another supervisor, reported Respondent's screaming and reported being shocked by the content of Respondent's language, his volume and his demeanor. As a result of that conduct, on June 6, 2001, Respondent received a written disciplinary warning from his employer.
8. Prior to the May 31, 2001 event, Respondent had engaged in similar conduct with JCHSD's clients on two other occasions. Respondent's employer had warned him about the first of the two. The second was observed by Respondent's supervisor who gave Respondent a stern verbal warning for violating the client's rights.
9. Effective March 25, 2002, Respondent voluntarily transferred from his position in the Intake office back to a case worker position in JCHSD's Children/Family Area. The transfer was the result of Respondent recognizing that he was unable to perform the required duties in the Intake position.
10. On January 2, 2003, JCHSD staff observed Respondent using inappropriately vulgar and degrading language towards a juvenile client in front of staff and others.
11. On January 15, 2003, Respondent met with the team at the Families Come First Program to discuss two of his client families. At the meeting, Respondent made inappropriate and vulgar comments about his personal life and continued to use obscene language throughout the meeting. Respondent also made derogatory comments about a client. Because of Respondent's conduct, the meetings were not completed.
12. On January 23, 2003, JCHSD suspended Respondent without pay for January 27, 28 and 29, 2003. In February 2003, Respondent commenced an unpaid medical leave from his employment, which continued until he was terminated from the position on August 5, 2003.
13. On February 11, 2003, while Respondent was on leave, JCHSD reassigned his cases to another worker. As that assigned worker contacted the client families in those cases, it was discovered that:
 - a. Youth RH had been assigned to Respondent for services in mid-2002. Respondent failed to contact the youth for several months, and during this period of time the youth was hospitalized twice for suicide attempts.
 - b. Youth EZ had been assigned to Respondent for services in mid-2002. Respondent failed to open the case and never contacted the youth.
 - c. Respondent had a meeting with special education staff at a school and his client youth TR. Respondent left the meeting and returned with a video tape which he asked them to watch. The video showed Respondent presenting commercial messages which had no relevance to the youth or anyone else at the meeting.
 - d. Youth MB had been assigned to Respondent for services related to a deferred prosecution in October 2002. Respondent failed to open the case and never contacted the youth.
 - e. Youth VG had been ordered by the Court for formal services in June 2002. Respondent failed to document any contacts with the youth until late July, and early and late August 2002. No other documentation was found to demonstrate that the Court ordered services were provided.
 - f. Youth AW had been assigned to Respondent for services in August 2002. Respondent failed to open the case and never contacted the youth.
 - g. Youth SH had had been assigned to Respondent for services related to a deferred prosecution in mid-2002. Respondent never contacted the youth.

h. Youth JP had been assigned to Respondent for services related to a deferred prosecution in early 2002. Respondent never contacted the youth.

14. On August 5, 2003, as a result of his failure to follow work assignments in violation of agency rules as well as having been formally disciplined on two occasions for verbal abuse to agency clients, Respondent was terminated from his employment at JCHSD.

CONCLUSIONS OF LAW

1. Respondent, by engaging in the conduct set out above, has committed repeated acts of negligence with client which is defined as unprofessional conduct by Wis. Admin. Code § MPSW 20.02(22) [formerly SFC 20.02(22)], and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

2. By failing to file an Answer as required by Wis. Admin. Code RL 2.09, or appear at the hearing as required by Wis. Admin. Code RL 2.14, the respondent is in default under Wis. Admin. Code RL 2.14, and the Department of Regulation and Licensing may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the respondent's advanced practice social worker certificate in Wisconsin, number 1109, and the right to renew that certificate, is hereby REVOKED.

IT IS FURTHER ORDERED that full costs of this proceeding shall be assessed against the respondent.

EXPLANATION OF VARIANCE

The Social Work Section (Section) adopts the Findings of Fact, but varies both the Conclusions of Law and Order as set forth in the Proposed Decision. More specifically, the Section deleted Conclusion of Law #3 and the \$50.00 forfeiture assessed in the Order.

Due process of law requires that an individual have notice of and an opportunity to defend against charges against him. *Bracegirdle vs. Board of Nursing*, 159 Wis. 2d 402, 419, 464 N.W.2d 111 (Ct. App. 1990). Mr. Sapp was not given notice that if he failed to appear and defend the complaint that he could be found in violation of s. 440.11 (1), Wis. Stats., and therefore subject to a \$50.00 forfeiture. Consequently, because Mr. Sapp was not given proper notice of that charge, Conclusion of Law #3 has been deleted and the forfeiture eliminated from the Order.

Dated this 12th of July, 2005.

STATE OF WISCONSIN
SOCIAL WORK SECTION

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