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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 :
 :
 : FINAL DECISION AND ORDER
RICHARD KENNETH BOYUM, : LS0601312CPC
RESPONDENT. :

[Division of Enforcement Case # 04CPC008, 04CPC009, 04CPC015]

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

Richard Kenneth Boyum
N4020 Cty Hwy H
Elk Mound, WI 54739

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
PO Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

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. Richard Kenneth Boyum, Respondent, date of birth April 7, 1946, was licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin pursuant to license number 607, which was first granted September 24, 1993. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a professional counselor.)

2. Respondent received a master of science degree in counseling from the University of Wisconsin-Stout, Menomonie, Wisconsin, on May 29, 1969 and was granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160, § 21(2)(f). For this reason, Respondent did not take the examination otherwise required for certification.

3. Respondent, for personal reasons, did not renew his license when it expired on June 30, 2005 and his license remains expired to this date.

4. Respondent's last address reported to the Department of Regulation and Licensing is N4020 Cty Hwy H, Elk Mound, WI 54739.

5. Until his retirement in May 2004, Respondent had been employed for many years as an associate professor and counselor in the Counseling Services Office at the University of Wisconsin-Eau Claire.

6. While counseling female clients and interacting with female students, Respondent engaged in conduct and made statements which distressed the women and which in retrospect Respondent recognizes were not appropriate.

a. In 1989, Respondent attempted to initiate a dating relationship with Ms. A, a woman who Respondent knew was a client of another psychologist in the Counseling Services Office. Respondent's behavior disturbed Ms. A.

b. In 1989, Respondent invited Ms. B, his practicum student, to the Viennese Ball, a social event on campus.

c. In 1991, Respondent contacted Ms. C, a student who had interviewed Respondent for the campus newspaper, and offered to counsel her. Ms. C had not requested counseling and was upset that Respondent had access to her records and contacted her for this purpose.

d. In 1993 during a counseling session, Respondent made a number of statements of a sexual nature to Ms. D, which made her uncomfortable. As a result of his statements, Ms. D discontinued counseling with Respondent and declined to seek assistance from any other staff at the Counseling Services Offices.

e. In 2004, Respondent was providing counseling to Ms. E for eating disorder and substance abuse issues. During counseling sessions, Respondent spoke to Ms. E about sexuality in a manner that made her uncomfortable. Respondent suggested that Ms. E consider buying a vibrator and masturbate as a replacement for her bulimic and substance abuse behaviors.

f. Ms. F saw Respondent for counseling services on four occasions from January 27, 2004 to February 16, 2004, to discuss her relationship concerns:

1) During their first session, Respondent asked Ms. F if she was orgasmic, if she masturbated and if she liked her breasts and her butt. Ms. F was upset with the questioning because she did not perceive her problems to include sexual issues.

2) During sessions, Respondent said to Ms. F:

a) It is inappropriate for men to take advantage of inebriated women. He related a personal experience in which an inebriated woman was at his house and he told the woman he would not have sex with her that night because he was a nice guy, but that if the woman wanted to have sex the next morning they could screw each others brains out.

b) All people remember their first sexual encounters and he remembered that the first breasts he touched belonged to a woman named Barbara.

c) She was gorgeous and had a good body, and that she had a "Midwestern sexiness" because she did not wear make-up. He said this because she had issues with her body image.

d) "He shook your hand and not your left breast?" Ms. F had previously described being groped by dates and on this occasion she had said she was impressed with a date's gentlemanly manner because he shook her hand at the end of the evening.

e) How funny he found a condom commercial which he showed to Ms. F on his computer.

3) On February 17, 2004, Ms. F and some friends went to a local tavern frequented by students and faculty. Respondent approached her, grabbed her hand, and said hello. When Respondent left the tavern, he again approached Ms. F, gave her a coin with the image of Sacagawea and said; "Take this. It relates to

everything that has gone on. Next time you come talk to me, we'll talk about this." Her friends asked her who Respondent was and Ms. F lied to them to avoid disclosing that she was receiving counseling.

- 4) As a result of the February 17 events, Ms. F never returned for counseling.

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 Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, violated Wis. Admin. Code § MPSW 20.02(22) and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent's license shall not be renewed before July 1, 2006.
2. Beginning July 1, 2006, Respondent may seek renewal of his license, under the following conditions:
 - a. Respondent shall have paid the costs of this proceeding in the amount of \$1,250.00 to the Department of Regulation and Licensing, pursuant to Wis. Stat. § 441.22(2).
 - b. Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner with experience in assessing mental health professionals who have had problems with professional boundaries with clients:
 - i. The practitioner performing the assessment shall not have treated Respondent and prior to the assessment being performed, must be approved by the Section or its designee, with an opportunity for the Division of Enforcement to make its recommendation.
 - ii. Prior to the evaluation being performed, the Division of Enforcement shall have the opportunity to provide the practitioner with any materials within the investigative file in this matter. Respondent may provide the practitioner with any information he deems relevant.
 - ii. Respondent shall provide the Section with the practitioner's written report and provide the Section and the Division with the opportunity to discuss the evaluation and findings with the practitioner.
 - c. Following review of the assessment, the Section may, in its sole discretion, renew Respondent's license, with or without limitations.
 - d. If Respondent believes that the Section's denial of renewal is inappropriate or that any limitation imposed by the Section is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a) in which the burden shall be on Respondent to show that the Section's decision is arbitrary or capricious. The denial of renewal or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

3. 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
Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

4. This Order is effective on the date of its signing.

By: Susan M. Putra
A Member of the Section

1/31/06
Date