

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DAVID F. MANNELLI, PSY.D., : LS0807165PSY  
RESPONDENT. :

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[Division of Enforcement Case # 07 PSY 014]

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

David F. Mannelli, Psy.D.  
741 N. Grand Avenue, Suite 302  
Waukesha, WI 53186

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

Wisconsin Psychology 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 of this matter, subject to the approval of the Psychology Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. David F. Mannelli, Psy.D., Respondent, date of birth January 23, 1954, is licensed by the Wisconsin Psychology Examining Board to practice as a psychologist in the state of Wisconsin, pursuant to license number 2280, which was first granted October 11, 2000.

2. Respondent's last address reported to the Department of Regulation and Licensing is 741 N. Grand Avenue, Suite 302, Waukesha, WI 53186.

## COUNTS I & II

3. Respondent, who is a former priest, provided psychological services to Mr. A, a current priest, on the following nine occasions in 2004 for treatment of stress and anxiety: February 4, 10, 17, 26; March 8; June 2; July 21; September 9; and October 18. Respondent diagnosed Mr. A with Adjustment Disorder with Mixed Anxiety and Depressed Mood (309.28).

4. During the September 9 session:

a. Respondent, who knew that Mr. A had substantial assets, told Mr. A about a family that was having financial difficulties. Respondent provided details about what the family had suffered and said that courage and faith can be stretched to a limit when all would become dependent upon God's mercy. It was Mr. A's perception that Respondent was asking if he would provide financial assistance to the family. During the discussion, Respondent did not tell Mr. A that Respondent was talking about his own family.

b. Mr. A told Respondent that he would like to help the unnamed family financially but would have to look into some things before doing so.

c. Respondent has told the Division of Enforcement (DOE) that his personal faith was being increasingly strained by the financial difficulties and he shared this information with Mr. A because he felt a very strong need to find meaning and peace with his current situation. Respondent also told DOE that Mr. A's response provided Respondent with a sense of relief because there was hope for his family.

d. It was inappropriate for Respondent to bring up a personal issue during a client's treatment to obtain therapeutic relief for himself.

e. It was inappropriate for Respondent to fail to immediately decline his client's offer of possible financial assistance.

5. During Mr. A's last session with Respondent on October 18:

a. Mr. A asked Respondent how the unnamed family was doing and Respondent told him that their situation was about the same.

b. Mr. A told Respondent that he had received mixed advice from those he consulted about possibly providing financial assistance to the family but said he would make up his mind within a few days and would be in touch.

c. It was again inappropriate for Respondent to fail to decline his client's offer of possible financial assistance.

6. On October 20, 2004, Respondent provided two workshops to priests. Mr. A was there and they talked after the workshops. Mr. A told Respondent that he had decided not to lend money to the unnamed family. Respondent has told DOE that he felt overwhelmed and numb, but told Mr. A that he understood. Respondent then told Mr. A that Respondent was the father of the family, that he did not know what he was going to do financially, that he did not know what to think about faith and hope anymore and that he was lost. They prayed together. Mr. A told Respondent not to lose hope and said he would be in touch within a few days.

7. It was inappropriate for Respondent to reveal to Mr. A that the unnamed family was his own and to tell Mr. A that he did not know what to think about faith and hope anymore and was lost.

8. Mr. A consulted with his attorney. The following week, Respondent was contacted by Mr. A's attorney to discuss details of his financial situation. On November 12, 2004, Respondent signed a promissory note which set out the terms of the loan and subsequently received \$50,000 from Mr. A. It was inappropriate for Respondent to have accepted the loan from Mr. A.

9. The note provided for Respondent to make payments of \$2,500 every three months, beginning February 12, 2006. Respondent has not repaid Mr. A any of the \$50,000 principal or any interest.

## COUNTS III & IV

10. Respondent provided psychological services to Mr. B from October 4, 2007 to November 27, 2007. Mr. B was seeking treatment as the result of his sexual abuse as a child and resultant trauma. Mr. B was diagnosed with sexual addiction. Therapists at another clinic were to address Mr. B's sexual addiction and Respondent was to treat the effects of Mr. B's trauma.

11. Mr. B asserts that during the November 27 session:

a. Respondent asked Mr. B to provide Respondent with money which Respondent represented he would use to create a fund from which Respondent would distribute money to his clients who Respondent felt were in financial need. Mr. B did not agree to provide money to Respondent.

b. Mr. B mentioned that he would be visiting another city the following day. Respondent told Mr. B that he knew the city and that "there's a great strip club there."

12. Mr. B reported that he was "appalled, shocked, outraged and disgusted" by what Respondent said in the November 27 session and for that reason, did not return to the clinic for further treatment. Mr. B also reported:

"Any trust I had built up with Dr. Mannelli, any progress I had made, any understanding of the traumas I had endured and inflicted, was completely blown apart. And worse, I was set back months in my therapy. I thought I had found a therapist who understood my plight and was going to help me. Instead, he 'twisted' me and sent me plummeting back to ground zero. Once again I was looking for a counselor I could trust."

## COUNTS V & VI

13. Respondent provided psychological services to Ms. C for depression for approximately four years. During the time Respondent was treating Ms. C, she became aware that Respondent was in need of financial assistance and initially provided Respondent with \$5,500. Later, she provided him with additional money for a total of \$17,500.

14. During a treatment session, Ms. C asked Respondent when he would begin repaying her. Eventually, Ms. C retained an attorney and Respondent signed a promissory note which acknowledged his debt to Ms. C and set out monthly payments of \$300, without any interest. Respondent did not pay the March 2007 payment, but did pay \$300 in April and May 2007.

## COUNT VII

15. During 2007 and until he resigned in May 2008, Respondent was working at a clinic under a financial arrangement by which clients were to pay the clinic all fees for services provided by Respondent and Respondent would then receive from the clinic a specified percentage of the fees for the services he provided.

16. During that time period, Respondent had some clients pay him in cash for services and had some clients pay him by check payable to Respondent. Respondent did not report those fees to the clinic and kept them all for his own use.

## CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 455.09 and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out in Counts I, III and V above, has committed gross negligence in practice which is unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01(2), and is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g) and (h).

3. Respondent, by engaging in the conduct set out in Count II, IV and VI above, has failed to avoid a prohibited dual relationship which is unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01(17), and is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

4. Respondent, by engaging in the conduct set out in Count VII above, has engaged in misleading and deceptive billing practices, which is unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01(8), and is subject to discipline

pursuant to Wis. Stat. § 455.09(1)(g).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of David F. Mannelli, Psy.D., to practice as a psychologist in the state of Wisconsin is hereby REVOKED.
2. Pursuant to Wis. Stat. § 455.09(3), after one year from the date of revocation of Respondent's license, Respondent may make application for reinstatement and the Board may accept or reject the application.

3. Prior to the reinstatement or issuance of any license by the Board, Respondent shall pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$2,350.00. Pursuant to Wis. Stat. § 440.22(3), the Board may not restore, renew or otherwise issue any credential to Respondent until Respondent has paid these costs in full, together with accrued interest.

4. All applications and payment shall be sent to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. This Order is effective on the date it is signed.

Wisconsin Psychology Examining Board

By: Donald L. Crowder  
A Member of the Board

7/16/08  
Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
DAVID F. MANNELLI, PSY.D., : LS \_\_\_\_\_ PSY  
RESPONDENT. :

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[Division of Enforcement Case # 07 PSY 014]

It is hereby stipulated and agreed, by and between David F. Mannelli, Psy.D., Respondent; Joseph M. Fasi II of Gonzalez, Saggio & Harlan, LLP, attorneys for Respondent; and John R. Zwiieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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David F. Mannelli, Psy.D.  
Respondent  
741 N. Grand Avenue, Suite 302  
Waukesha, WI 53186

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Date

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Joseph M. Fasi II  
Gonzalez, Saggio & Harlan, LLP  
Attorneys for Respondent  
225 E. Michigan Street, Floor 4  
Milwaukee, WI 53202-4900

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Date

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John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date