

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
BRAD W. KNAPP, : LS0904286RSA
RESPONDENT. :

[Division of Enforcement Case No. 08 RSA 034]

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

Brad W. Knapp
6649 W. Thornapple Drive
Janesville, WI 53548

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

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 Department. The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Brad W. Knapp, Respondent, date of birth September 8, 1959, was certified by the Department as a Substance Abuse Counselor-in-Training in the state of Wisconsin, pursuant to certificate number 15017, which was first granted October 11, 2006.

2. Respondent has not renewed his certificate as a Substance Abuse Counselor-in-Training since it expired on February 28, 2009, but could renew it pursuant to Wis. Stat. § 440.88(4) and Wis. Adm. Code § RL 165.01(1) by payment of fees and proof of completion of continuing education requirements.

3. Respondent's last address reported to the Department of Regulation and Licensing is 6649 W. Thornapple Drive, Janesville, WI 53548.

4. From December 9, 2005 until his employment was terminated on October 27, 2008, Respondent was employed as a psychotherapist and substance abuse counselor providing individual and group psychotherapy and counseling at Crossroads Counseling Center in Janesville, Wisconsin. Respondent was also certified as an Advanced Practice Social Worker, until June 30, 2007 when he allowed his certification to lapse and has been licensed as a Professional Counselor since April 2, 2007.

5. From April 4, 2007 to May 20, 2008, Respondent provided individual psychotherapy and counseling to Ms. A approximately twice a month for issues related to depression, alcohol abuse and marital problems/divorce.

6. During the course of treatment, Respondent and Ms. A developed a personal relationship and began e-mailing each other extensively. In April 2008, Ms. A invited Respondent to visit her at her place of employment. Respondent and Ms. A continued to communicate via e-mail, telephone calls and in person regarding personal matters.

7. Ms. A discontinued treatment after losing her insurance coverage and the last session was May 20, 2007. Respondent and Ms. A engaged in sexual intercourse on May 27, 2008 and on two other occasions over the next couple of months.

8. In October 2008, Ms. A reported to Crossroads that Respondent had a sexual relationship with her. On October 8, 2008, Respondent was placed on administrative leave pending investigation and Respondent's employment was terminated on October 27, 2008.

9. Respondent admitted that he engaged in sexual conduct with Ms. A shortly after her last treatment session and expressed regret regarding his actions. Respondent entered psychotherapy at Midwest Center for Psychotherapy and Sex Therapy. Respondent has not worked in the mental health field since his employment was terminated at Crossroads.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.88(6) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in a sexual relationship with a client within two years after termination of professional services, has violated Rule 4.1 of the Counselor Code of Conduct and Wis. Adm. Code § RL 164.01(2)(m) and is subject to discipline pursuant to Wis. Stat. § 440.88(6)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The certificate of Brad W. Knapp, Respondent, as a Substance Abuse Counselor-in-Training in the state of Wisconsin and his right to renew that certificate is hereby **SUSPENDED** for an indefinite period of time to be no less than eighteen months.

2. Respondent may petition the Department for the termination of the suspension, after eighteen months, under the following terms and conditions:

a. Respondent shall meet all requirements then in force for certification.

b. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in professionals who have become involved sexually with clients.

c. The practitioner performing the assessment must not have treated Respondent and shall have been approved by the Department, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

d. Respondent must provide proof sufficient to the Department that Respondent is able to practice with reasonable skill and safety of clients and public and does not suffer from any condition which prevents him from practicing in that manner.

e. If the Department determines to end the suspension, Respondent's certificate shall be limited in a manner to address any concerns the Department has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

1) Psychotherapy, at Respondent's expense, by a therapist approved by the Department, to address specific treatment goals, with periodic reports to the Department by the therapist.

2) Additional professional education in any identified areas of deficiency.

3) Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Department, with periodic reports to the Department by the supervisor.

3. If Respondent believes that the Department's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Department 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 Department's decision is arbitrary or capricious

The suspension or limitations on Respondent's certificate shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. All requests and notifications shall be mailed, faxed or delivered to:

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

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2e above, may constitute grounds for revocation of Respondent's certificate. Should the Department determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2e above, the Department may order that Respondent's certificate be summarily suspended pending investigation of and hearing on the alleged violation.

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

Department of Regulation and Licensing

By: Celia M. Jackson
Secretary

4/28/09
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
BRAD W. KNAPP,	:	LS _____ RSA
RESPONDENT.	:	

[Division of Enforcement Case No. 08 RSA 034]

It is hereby stipulated and agreed, by and between Brad W. Knapp, Respondent; Kevin F. Milliken of Relles, Long & Milliken, L.L.P., attorneys for Respondent; and John R. Zwieg, 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 certification 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 obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Department. 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 Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Department, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

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

8. The Division of Enforcement joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

Brad W. Knapp
Respondent
6649 W. Thornapple Drive
Janesville, WI 53548

Date

Kevin F. Milliken
Relles, Long & Milliken, L.L.P.
Attorneys for Respondent
301 N. Broom Street
Madison, WI 53703-5216

Date

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

Date