

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
RICHARD E. FOGLE, Ed.D., : LS0907161PSY
RESPONDENT. :

[Division of Enforcement Case # 08 PSY 025]

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

Richard E. Fogle, Ed.D.
22850 118th Street
Trevor, WI 53179

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. Richard E. Fogle, Ed.D., Respondent, date of birth March 22, 1937, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 483, which was first granted September 6, 1973.

2. Respondent's last address reported to the Department of Regulation and Licensing is 22850 118th Street, Trevor, WI 53179.

3. Respondent inadvertently failed to renew his license when it expired on September 30, 2007. Following the expiration of Respondent's license, he continued to both practice psychology and represent himself as a psychologist in Wisconsin. Among other things, he conducted psychological examinations for the Wisconsin Disability Determination Bureau (DDB), Madison, Wisconsin.

4. A person who was scheduled by DDB to be evaluated by Respondent in December 2008 checked Respondent's licensure status on the Department of Regulation and Licensing website and discovered that Respondent did not have a current license to practice. On December 2, 2008, the person alerted DDB and the same day, DDB brought Respondent's licensure status to Respondent's attention. Respondent renewed his license that same day.

5. DDB sent letters to everyone Respondent evaluated during the time he did not hold a current license, which

notified them that he did not have a current license when he evaluated them. Respondent offered to reimburse DDB for any evaluations which the subjects asked to be repeated and were done by other evaluators. To this date, Respondent has reimbursed approximately \$5000.

CONCLUSIONS OF LAW

1. The 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 practicing psychology and representing himself as a psychologist when he did not hold a current license as a psychologist, violated Wis. Stat. § 455.02(1m) and (3m) and is subject to discipline pursuant to Wis. Stat. § 455.09(g).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Richard E. Fogle, Ed.D., 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 \$450.00 pursuant to Wis. Stat. § 440.22(2).
3. Payment shall be mailed 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
Fax: (608) 266-2264
Telephone: (608) 267-3817
4. In the event that Respondent fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
5. This Order is effective on the date of its signing.

Wisconsin Psychology Examining Board

By: Donald Crowder
A Member of the Board

7/15/09
Date

STATE OF WISCONSIN
BEFORE THE PSYCHOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
RICHARD E. FOGLE, Ed.D.,	:	LS _____ PSY
RESPONDENT.	:	

[Division of Enforcement Case # 08 PSY 025]

It is hereby stipulated and agreed, by and between Richard E. Fogle, Ed.D., 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 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. 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, if any, 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.

7. 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.

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

Richard E. Fogle, Ed.D.

Respondent

22850 118th Street

Trevor, WI 53179

Date

John R. Zwieg

Attorney for Complainant

Division of Enforcement

Department of Regulation and Licensing

P.O. Box 8935

Madison, WI 53708-8935

Date