

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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TATE 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 :
: FINAL DECISION AND ORDER
PETER J. NELSEN, C.S.W., : LS0909231SOC
RESPONDENT. :

[Division of Enforcement Case # 09 SOC 039]

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

Peter J. Nelsen, C.S.W.
9324A W. Burleigh Street
Milwaukee, WI 53222

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling and Social Work Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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 Social Worker Section. The Section has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Peter J. Nelsen, C.S.W., Respondent, date of birth February 5, 1953, is certified by the Social Worker Section as a social worker in the State of Wisconsin pursuant to certificate number 1088, which was first granted September 7, 1993.

2. Respondent was originally granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160 § 21(2)(a) (non-statutory provisions) and neither has a bachelor's degree in social work nor was required to take and pass the examination otherwise required for certification.

3. Respondent's last address reported to the Department of Regulation and Licensing is 9324A W. Burleigh Street, Milwaukee, WI 53222.

4. From approximately 1997 until he resigned in April 2009, Respondent was employed as a social worker in the Bureau of Milwaukee Child Welfare (BMCW) in Milwaukee, Wisconsin. Beginning approximately 2005, Respondent worked as an Initial Assessment Social Worker.

5. Respondent met Ms. A in 2007 when Respondent was assigned to investigate a report that one of Ms. A's children had been physically abused and she became his client. Ms. A had several previous referrals to BMCW and her parental rights to her 3-year-old son had been terminated in 2006. Respondent completed his investigation in October 2007 with the conclusion that abuse was not substantiated and the case was closed. Respondent did not see Ms. A in a

professional capacity after the case was closed.

6. During 2007, Respondent continued to visit Ms. A socially at her home. They had sexual contact and intercourse over a period of time, which Ms. A says began in late September 2007 and Respondent says began in November 2007.

7. Shortly after Respondent's investigation was closed, another allegation of child abuse was referred to BMCW. That referral was assigned to another staff member. In December 2007, BMCW removed Ms. A's two children from her custody and placed them in protective care. A court-ordered psychological evaluation conducted in 2008 concluded Ms. A suffers from anxiety disorder and obsessive-compulsive personality disorder with schizoid, paranoid and narcissistic features.

8. Ms. A became pregnant and Respondent is the father of the child who was born August 19, 2008. Ms. A contends that she had sex with Respondent in late 2007 because he told her he could help her keep BMCW from removing from her home the two children she had at that time. Respondent denies making such a statement either directly or indirectly. BMCW's records do not contain any mention of Respondent attempting to intercede on behalf of Ms. A.

9. In March 2009, the results of DNA testing paid for by Respondent confirmed he is the child's father. Respondent had informal placement of the child. In late March, an investigator for Milwaukee County questioned why the child was placed with Respondent. Respondent told the investigator he was the father and how he met Ms. A. In April 2009, BMCW became aware of Respondent's sexual relationship with Ms. A and that he was the father of her child. Respondent was allowed to resign his position on April 15, 2009.

10. On August 14, Ms. A took possession of the child and filed a petition for temporary restraining order against Respondent in Milwaukee County Circuit Court case number 2009FA3168. On September 11, Respondent did not admit the allegations of the petition, but agreed to the entry of an injunction prohibiting him from engaging in certain conduct.

11. BMCW filed a petition in juvenile court case number 2009JC709 on behalf of the child and placed the child in Respondent's custody.

12. Respondent has not been employed as a social worker since April 15, 2009.

CONCLUSIONS OF LAW

1. The Social Worker 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 authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct with Ms. A, as set out above, constitutes engaging in sexual contact and sexual conduct with a client within 2 years after the termination of professional services, which is unprofessional conduct as defined by Wis. Adm. Code § MPSW 20.02(11) and subjects Respondent to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the certificate of Peter J. Nelsen, C.S.W., Respondent, as a social worker in the State of Wisconsin i hereby **REVOKED**.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$515.00 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. This Order is effective on the date it is signed.

Social Worker Section
Wisconsin Marriage and Family Therapy,
Professional Counseling and Social Work Examining Board

By: George J. Kamps
A Member of the Section

9/23/09
Date

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	:	
	:	STIPULATION
PETER J. NELSEN, C.S.W.,	:	LS _____ SOC
RESPONDENT.	:	

[Division of Enforcement Case # 09 SOC 039]

It is hereby stipulated and agreed, by and between Peter J. Nelsen, C.S.W., 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 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 Section. 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 Section's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Section, 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 Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Section does not accept this Stipulation, Respondent's certificates shall be returned to the Respondent with a notice of the Section'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 Section ever assigned as a case advisor in this investigation may appear before the Section 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 Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.
8. Respondent is informed that should the Section adopt this Stipulation, the Section'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 that the Section adopt this Stipulation and issue the attached Final Decision and Order.

Peter J. Nelsen, C.S.W.
Respondent
9324A W. Burleigh Street
Milwaukee, WI 53222

Date

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

Date