

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
JOHN R. MONACELLI, L.P.C., :  
RESPONDENT. : ORDER 0000138

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[Division of Enforcement Case # 08 CPC 003]

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

John R. Monacelli, L.P.C.  
W177N8570 Lynwood Drive  
Menomonee Falls, WI 53051

Professional Counselor Section  
Marriage and Family Therapy, Professional Counseling  
and Social Work Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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

The parties 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. John R. Monacelli, L.P.C., Respondent, date of birth August 30, 1963, is licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin pursuant to license number 1758, which was first granted March 21, 1995<sup>1</sup>.
2. Respondent was granted certification pursuant to the grandparenting provisions of 1991 Wisconsin Act 160, § 21(2)(f) and, for this reason, did not take the examination otherwise required for certification.

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<sup>1</sup> Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a professional counselor.

3. Respondent's last address reported to the Department of Regulation and Licensing is W177N8570 Lynwood Drive, Menomonee Falls, WI 53051.

4. On December 29, 2008, Respondent was charged in Sheboygan County Circuit Court number 2009CF0778 with several counts of crimes relating to events alleged to have occurred during 2007 at Genesis Behavioral Services' Sheboygan Residential Facility, where Respondent was practicing.

5. On November 17, 2009, Respondent entered into a plea agreement by which he was convicted of two misdemeanor counts of violating Wis. Stat. § 940.295(3) [Abuse and Neglect of Patients and Residents]. Respondent was sentenced to two years of probation.

6. Wis. Stat. § 940.295(3) is a law substantially related to the practice of professional counseling.

#### CONCLUSIONS OF LAW

1. The Professional Counselor Section of the 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 of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(b) for having been convicted of a crime the circumstances of which substantially relate to the practice of professional counseling.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The surrender by John R. Monacelli, L.P.C., Respondent, of his license as a professional counselor in the State of Wisconsin is hereby accepted, effective immediately.

2. If Respondent shall ever apply for any credential from the Wisconsin Professional Counselors Section:

a. He shall be required to meet all requirements for that certification which are then required by statute and administrative rule, prior to being certified.

b. He shall have paid the costs of this proceeding in the amount of \$1,175.00 to the Department of Regulation and Licensing.

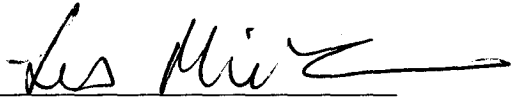
c. The decision whether to grant Respondent a credential, with or without limitations, shall be in the sole discretion of the Section.

3. Provide all requests, notices, reports and payments required by this Order 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 of its signing.

Wisconsin Professional Counselor Section

By:  April 12, 2010  
A Member of the Section Date

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