

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CYNTHIA ZIEBELL,	:	DHA Case DRL 10-0031
RESPONDENT.	:	<i>ORDER 0000796</i>

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[Division of Enforcement Case #09 CPC 038]

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

Cynthia S. Ziebell  
5993 N. Shore Drive  
Eau Claire, WI 54703

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

Professional Counseling Section  
Marriage and Family Therapy, Professional Counseling  
and Social Worker Examining Board  
Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Division of Enforcement filed a formal complaint in this matter on May 7, 2010. Administrative Law Judge Amanda Tollefsen presided over prehearing conferences, and scheduled the matter for a hearing to be held on October 25, 2010. 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 Professional Counseling section of the Marriage and Family Therapy, Professional Counseling and Social Worker Examining Board. The Section has reviewed the attached Stipulation and considers it acceptable.

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

## FINDINGS OF FACT

1. Cynthia S. Ziebell ("Respondent") was born on January 20, 1951, and is licensed to practice as a professional counselor in the state of Wisconsin pursuant to license number 1598. This license was first granted on November 21, 1994.

2. Respondent's most recent address on file with the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Worker Examining Board is 5993 N. Shore Drive, Eau Claire, Wisconsin 54703.

3. Between January 29, 2009, and February 27, 2009, Respondent used her father's debit card to withdraw \$7,751.54 from her father's bank account for Respondent's benefit, without her father's express permission, while he was in a nursing home.

4. At the time, Respondent was taking care of her father's real and personal property for his benefit, with his permission.

5. Respondent's father called the Eau Claire Police in February 2009 and accused Respondent of theft for using his funds, but without differentiating between funds she used to maintain his property and funds she used for her benefit.

6. Respondent's father died in May 2010. Respondent is executrix of her father's estate.

7. There is reason to question whether Respondent's father accurately recalled the details of his conversations with Respondent about her access to his bank account at the time he complained to the Eau Claire Police.

8. Respondent entered into a Deferred Acceptance of a Guilty Plea on October 6, 2009, by which she agreed to plead guilty to one count of identity theft for financial gain, a felony, for her use of her father's financial documents, perform community service during the following twelve months, after which the criminal charge would be amended to simple theft, as violation of a County ordinance. Respondent has paid \$3,801.63 restitution to her father, three businesses, and the Department of Regulation and Licensing. On September 20, 2010, that agreement was extended to twenty-four months.

## CONCLUSIONS OF LAW

1. The Professional Counseling Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Worker Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §457.26, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 3, above, constitutes a violation of Wisconsin Administrative Code § MPSW 20.02(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Cynthia Ziebell to practice professional counseling in the State of Wisconsin is hereby SUSPENDED for one month.

IT IS FURTHER ORDERED that:

2. Respondent shall, within one hundred eighty (180) days from the date of this Order, pay costs of this proceeding in the amount of FIVE HUNDRED (\$500.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

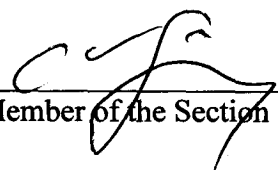
Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Section in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as set forth above, the Respondent's license (#1598) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

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

By:

  
A Member of the Section

Date

