

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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	:	
	:	FINAL DECISION AND ORDER
JAMES E. BESTUL, JR.,	:	
RESPONDENT.	:	ORDER 0001300

[Division of Enforcement Case # 10 SOC 040]

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

James E. Bestul, Jr.
106 S. Stafford Ave., #3
Owen, WI 54460

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Social Worker Section
Marriage and Family Therapy, Professional Counseling
And Social Work Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708

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 of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James E. Bestul, Jr., ("Respondent") was born on August 21, 1966 and is licensed as a social worker in the State of Wisconsin (license #4558-120). This license was first granted on March 22, 1995.
2. Respondent's most recent address on file with the Social Worker Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is 106 South Stafford Avenue, Apartment #3, Owen, Wisconsin.
3. For twelve years, up until February 2009, Respondent served as treasurer for the Elias Lutheran Church, located in Shawano County.
4. Starting approximately three years before he left his position as treasurer, Respondent developed an addiction to gambling. In order to support his gambling addiction, Respondent embezzled close to \$20,000.00 from Elias Lutheran Church. Respondent returned \$3,000.00 to the church banking account in 2007.
5. In February 2010, Respondent pled guilty to and was convicted of one count of Theft-Moveable Property > \$10,000, a felony G charge.
6. Respondent's embezzlement from Elias Lutheran Church is a violation of fiduciary responsibility.
7. Respondent is currently attending Gamblers Anonymous.

CONCLUSIONS OF LAW

1. The Wisconsin Social Worker 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 has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. Respondent, by violating a law substantially related to practice, has committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2) and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. James E. Bestul, Jr., (license #4558-120) is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. For a period of at least two (2) years from the date of this Order, Respondent's license to practice as a social worker in the State of Wisconsin is **LIMITED** as follows:

a. Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a social worker.

b. Respondent shall notify the Department Monitor of any change of employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

c. Respondent shall continue with participation in Gamblers Anonymous and attend meetings regularly. Respondent's Gamblers Anonymous program staff shall provide written reports on Respondent's participation on a quarterly basis, as directed by the Department Monitor. Reports shall be submitted to the Department Monitor at the address below. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.

d. Respondent may not hold a position involved with responsibilities of billing, handling of finances or fiduciary duty

e. After two years from the date of this Order, Respondent may petition the Section to remove the Limitation. Requests for removal of the Limitation shall be submitted to the Department Monitor at the address below.

3. Respondent shall, within ninety (90) days from the date for this Order, pay costs of this proceeding in the amount of FOUR HUNDRED FIFTY DOLLARS (\$450.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

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


4. 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 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 pay costs as ordered, Respondent's license to practice as a

social worker (license #4558-120) shall be SUSPENDED, without further notice or hearing, until Respondent has paid costs.

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

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

By:



a member of the Section

1/11/2012

Date