

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
DAVID HAMILTON, L.C.S.W. :
RESPONDENT. : ORDER 0001565

[Division of Enforcement Case # 11 SOC 020]

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

David Hamilton, L.C.S.W.
1160 Washington Road
Stoughton, WI 53589

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

Social Worker Section of the
Wisconsin Marriage and Family Therapy, Professional Counseling,
and Social Work Examining Board
Department of Safety and Professional Services
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 Social Worker Section, Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The Section has reviewed the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. David Hamilton, L.C.S.W. (“Respondent”) was born on October 23, 1959, and is licensed to practice as a licensed clinical social worker in the state of Wisconsin pursuant to license number 2373-123. This license was first granted on March 11, 1994.

2. Respondent's most recent address on file with the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is 1160 Washington Rd., Stoughton, WI 53589.

3. At all times relevant to this proceeding, Respondent was working as a licensed clinical social worker at the Middleton Memorial Veterans Hospital in Madison, Wisconsin.

4. A criminal complaint alleges that on March 5, 2011, at approximately 1:00 a.m., Respondent entered the main back door of Harbor House, an assisted living facility, and walked up to the room of a 73 year old female resident, Respondent’s mother-in-law, who suffered from multiple sclerosis.

5. An alarm was triggered when the main back door was opened. Harbor House Staff examined the main back door and saw foot prints in the snow of someone entering the building, but they did not see any foot prints of anyone leaving, so they began a room to room check on the status of every resident.

6. They arrived at the female resident’s room, but were unable to open it because it was locked. While waiting for a staff member with a key to unlock the room to arrive, they heard a male voice inside the female resident’s room say “How do your nipples feel now?”

7. Harbor House Staff entered the female resident’s room and saw Respondent standing over the female resident while she was in bed. Respondent was not wearing his pants. The female resident’s night shirt had been pulled up to her neck, which exposed her breasts, her blankets had been pulled off to the side, and the female resident’s Depends adult diaper was only covering one of her legs.

8. Two police officers arrived, and arrested Respondent for operating while intoxicated. Respondent appeared to be intoxicated with a strong odor of alcohol on his breath, and a search of Respondent found three condoms in his pants pocket. Respondent said that the female resident was his mother-in-law, and that he had come to “say hello” and visit her.

9. On April 13, 2012, Respondent entered a plea of no contest and was convicted of 3rd degree sexual assault for his conduct on March 5, 2011.

10. Respondent has decided to discontinue the practice of social work, and tenders the surrender of his license.

CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work 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).

ORDER

IT IS HEREBY ORDERED that:

1. The Section accepts David Hamilton's **SURRENDER** of his license to practice as a licensed clinical social worker in the state of Wisconsin.

2. Respondent shall, within fourteen (14) days from the date of this Order, mail or physically deliver all indicia of Wisconsin licensure to the Department Monitor at the following address: Department Monitor, Division of Enforcement, Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708-8935.

3. Respondent may petition the Section for reinstatement, however, the Section retains sole discretion of whether or not to grant Respondent licensure to practice as a licensed clinical social worker in the future and to impose conditions or limitations as the Section deems appropriate.

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

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

By: 
A Member of the Section

5/17/2012
Date