

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KRISTIN E. MARCHESE,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002378

Division of Legal Services and Compliance¹ Case No. 12 RSA 039

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

Kristin E. Marchese
1100 Eastbrook Dr.
Burlington, WI 53105

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kristin E. Marchese (dob: 1/21/1978) is certified in the state of Wisconsin to practice as a substance abuse counselor, having certification number 15390-132, first issued on 4/09/09 and current through 2/28/15. Respondent is also licensed in Wisconsin to practice as a professional counselor, having license number, 4095-125, first issued on 9/16/2008 and current through 2/28/15. Respondent's most recent address on file with the Wisconsin

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Department of Safety and Professional Services (Department) is 1100 Eastbrook Dr, Burlington, WI 53105.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor and substance abuse counselor at Oakwood Clinical Associates (Oakwood) in Kenosha, Wisconsin, until she was terminated by a letter dated February 22, 2013. The termination of employment was effective February 21, 2013. Some relevant incidents occurred after Respondent was terminated.

3. Respondent provided professional counseling and substance abuse counseling services to Client M until September 19, 2012.

4. Respondent gave a letter to Client M at the end of their counseling session on August 13, 2012. Respondent continued to provide counseling services to Client M during the 3 weeks following August 13, 2012.

5. On or about September 19, 2012, Respondent informed the Oakwood Director that she had written a letter to Client M. Respondent stated that she wrote the letter because she was experiencing counter transference with Client M and burnout in her work. Respondent stated that she informed the Oakwood Director because Client M's spouse found the letter.

6. On September 20, 2012, Client M's spouse informed a therapist employed at Oakwood about Respondent's letter. That same day, Client M's spouse brought Respondent's letter to the Oakwood Director. Respondent's letter states, in part,²

"The decision to become involved with you was by no means an easy one. We've had this discussion and I know you are aware of this. For whatever reason though I feel that this risk – you – are worth my career, my marriage, my life."

7. On September 21, 2012, the Oakwood Director transferred Client M to a new Oakwood therapist for continued therapy. There is some evidence that on September 24, 2012, Client M informed the Oakwood Director of a relapse with alcohol and went to an AA meeting. Respondent exchanged Facebook and mobile phone text messages with Client M.

8. In a letter dated November 29, 2012, Respondent admitted to the Department that she wrote the letter to Client M and reported that she did not have sexual contact with Client M.

9. There is some evidence that on February 21, 2013, Client M disclosed to the Oakwood Director and Client M's new therapist that:

a. Respondent engaged in a sexual relationship with Client M that began on July 31, 2012. Respondent and Client M had sexual contact during therapy sessions at Oakwood's Kenosha and Paddock Lake locations, including after business hours. Respondent and Client M had sexual contact at Client M's friend,

² Respondent's letter consists of seven handwritten pages.

Ms. J's house, and at area hotels. Respondent and Client M have broken up seven times during the course of their relationship.

b. Respondent engaged in "sexting" with Client M over Facebook. Client M knew Respondent's log in and password for the Oakwood Facebook page.

c. Respondent introduced Client M to Respondent's daughter.

d. Respondent gave Client M a pair of her panties early in their relationship.

e. Respondent and Client M see each other after work Monday through Wednesday. Respondent picks Client M up from school at 4 pm. Client M goes to Respondent's own therapy appointments with her on Mondays, but does not attend the sessions.

f. Respondent and Client M received tattoos together, paid for by Respondent. Respondent calls Client M "Pooh Bear," and as a result, Client M received that tattoo on the arm. Respondent's initials are tattooed on Client M's arm as KXXMX, using an x in place of periods. Respondent received a tattoo on her foot at the same time.

g. Client M has over 150 pictures of Client M with Respondent, as well as text messages and videos of Respondent. Client M stated that the pictures are from October 2012 to the present. All other pictures between July and September 2012 were deleted when Respondent's letter was found and Respondent broke up with Client M.

h. Respondent went with Client M to a hotel for sex on February 19, 2013, and gave Client M a gift.

10. There is some evidence that during Client M's February 21, 2013, therapy appointment with the Oakwood Director and new therapist, Client M received text messages from Respondent. Client M played two voicemail messages that Client M stated were from Respondent that were left while Client M was receiving therapy, in which the person did not identify herself by name. The Oakwood Director and therapist recognized Respondent's voice.

11. There is some evidence that during Client M's February 21, 2013, therapy appointment, Client M discussed the relationship with Respondent and told the Oakwood Director and the new therapist, "I need you to stop it, I can't stop it."

12. On February 21, 2013, Respondent sent a text to Client M's therapist stating "I'm sure you are livid and disgusted. I resigned." A second text immediately followed stating "I'm sorry."

13. On February 21, 2013, Oakwood received an e-mailed resignation letter from Respondent. That letter states in part "I will be informing WI DSPS of the need to rescind my license...I sincerely apologize for my behavior, for being a disappointment to you and to

Oakwood.” On February 22, 2013, Oakwood sent a letter informing Respondent that her employment was terminated, effective February 21, 2013.

14. There is some evidence that Client M had an alcohol relapse on February 22, 2013.

15. Client M stated that Respondent went to a bar with Client M and they consumed alcohol together.

16. There is some evidence that on February 27, 2013, during a therapy appointment, Client M told an Oakwood therapist “I’m afraid she [Respondent] is going to hurt me.” Client M reported that Respondent brought Client M to therapy at Oakwood and was waiting in her car outside to pick Client M up. This was confirmed by four Oakwood employees. The Oakwood Director told Respondent to leave the premises and Respondent parked around the corner on the next block. An Oakwood therapist saw Respondent and told her to leave and Respondent left.

17. There is some evidence that on February 27, 2013, Client M informed the Oakwood therapist of being suicidal. Client M reported drinking a liter of vodka the evening before. Client M stated that Respondent brought vodka that morning so Client M could avoid delirium and tremors. Client M played a video on Client M’s cell phone of Respondent stating that everything would be ok and showing Client M her genitals.

18. On February 27, 2013, Client M agreed to be hospitalized. Client M was hospitalized from February 27, 2013, until March 6, 2013. Client M and Respondent continued to have contact during and after Client M’s hospital stay.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 164.01(2)(m) by engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For the purposes of this subsection, an adult shall continue to be a patient for 2 years after the termination of professional services.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 164.01(2)(L) by abusing a patient by any single or repeated act of neglect or mental pressure which reasonably could cause injury, mental anguish, or fear.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § SPS 164.01(2)(v) by engaging in a single act of gross negligence or in a pattern of negligence as a substance abuse professional.

5. As a result of the above violations, Kristin E. Marchese is subject to discipline pursuant to Wis. Stat. § 440.88(6) by engaging in unethical conduct and professional negligence.


ORDER

1. The attached Stipulation is accepted.
2. The license of Respondent Kristin E. Marchese to practice as a substance abuse counselor (license number 15390-132) is hereby REVOKED.
3. Within ninety (90) days from the date of this Order, and prior to applying for any professional license in the State of Wisconsin, Respondent Kristin E. Marchese shall pay COSTS of this matter in the amount of FIVE HUNDRED FIFTY DOLLARS (\$550.00).
4. Kristin E. Marchese shall not practice as a substance abuse counselor in the State of Wisconsin without a certification to engage in such practice.
5. Kristin E. Marchese shall not apply for a certification to practice as a substance abuse counselor in the State of Wisconsin at any time in the future. The Department of Safety and Professional Services will not process any application for renewal of the substance abuse counselor certificate of Kristin E. Marchese.
6. Within fifteen (15) days from the date of this Order, Kristin E. Marchese shall mail or physically deliver all indicia of certification to the Department Monitor at the address listed below
7. Costs are payable by check to the Department of Safety and Professional Services. Payment of costs shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety, and welfare.
9. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

4/9/13
Date