

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES M FREDRICK, RSA,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
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:  
: **0002732**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 RSA 014

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

James M. Fredrick  
228 N. 10<sup>th</sup> Street  
Black River Falls, WI 54615

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

Division of Legal Services and Compliance  
Wisconsin 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 James M. Fredrick (dob January 4, 1955) is certified in the State of Wisconsin as a substance abuse counselor, having certification number 15775-131, first granted on September 7, 2012, and current through February 28, 2015. James M. Fredrick's most recent address on file with the Department is 228 N. 10<sup>th</sup> Street, Black River Falls, Wisconsin 54615.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent was employed as a substance abuse counselor at Options Treatment Program in Wautoma, Wisconsin, from June 2012 until March 31, 2013. On April 18, 2013, Options Treatment Program informed the Department of Safety and Professional Services that Respondent had struck a client on the head during group therapy because the client had been texting during group, and had stepped on a client's toes because the client repeatedly tipped his chair off of the floor.

3. Respondent denies any physical contact with any client, and suggests that other clients' statements to the contrary should not be credited, but concedes that there is sufficient evidence from which the Department could reasonably conclude that he did use physical contact with a client in order to encourage compliance with behavior standards during group sessions.

4. Options Treatment Program further reported that a letter from Respondent addressed "to whom it may concern" suggests that Respondent had hired a friend, Ms. A, to work for Options Treatment Program in order to help the friend obtain Huber work release privileges from her jail sentence, following her fifth conviction for operating while intoxicated. Ms. A. had been sentenced to a term of confinement on her conviction, and was serving the confinement outside the jail on electronic monitoring. The report by Options Treatment Program suggested an inappropriate use of Options Treatment Program for Respondent's friend's benefit.

5. On investigation of the letter, Respondent denied that he had any romantic relationship with Ms. A, on whose behalf he wrote the letter, and he wrote that "this was not done to get any one on Huber as this person has not served anytime (sic) in jail." The letter Respondent addressed "to whom it may concern" demonstrates that Respondent was assisting Ms. A to meet her obligations for Huber release privileges. Respondent's letter reads in part "I have paid two hundred dollars of her wages to the Sheboygan County Detention Center . . . . Ms. A instructed that one hundred seventy dollars be paid toward her Huber Privileges, and the remaining thirty dollars be placed in her canteen."

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### 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(6), 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 James M. Fredrick violated Wis. Admin. Code § SPS 164.01(2) by using physical force to enforce compliance with his desired standards of behavior in therapy sessions.

3. By the conduct described in the Findings of Fact, Respondent James M. Fredrick violated Wis. Admin. Code § SPS 164.01(2)(i) by engaging in false, misleading or deceptive behavior by false statement to the Department in the investigation of his practice.

4. As a result of the violations noted in the Conclusions of Law, Respondent James M. Fredrick is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER


1. The attached Stipulation is accepted.
2. Respondent James M. Fredrick's certification as a substance abuse counselor is **SUSPENDED** for thirty days.
3. Within 90 days from the date of this Order, James M. Fredrick shall pay **COSTS** of this matter in the amount of \$515.00.
4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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

5. 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 certification. The Department 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 ordered and as set forth above, Respondent's certification (no. 15775-131) may, in the discretion of the Department, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

6. 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

11/6/13  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES M. FREDRICK, R.S.A.,  
RESPONDENT.

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STIPULATION

**0002732**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 13 RSA 014

Respondent James M. Fredrick and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

  
James M. Fredrick, Respondent

228 N. 10<sup>th</sup> Street  
Black River Falls, WI 54615  
License no. 15775-131

Nov 1, 2013

Date



James E. Polewski, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

Oct 28, 2013

Date