

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY B. BALLOU,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:

: **0003188**

Division of Legal Services and Compliance¹ Case No. 13 CPC 019

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

Jeffrey B. Ballou
1640 E. Military Road
Superior, WI 54880

Wisconsin Professional Counselor Section of the Marriage and Family Therapy,
Professional Counseling, and Social Work Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Professional Counselor 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 adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jeffrey B. Ballou (dob May 29, 1948) is licensed in the State of Wisconsin to practice as a professional counselor, having license number 591-125, first issued on September 24, 1993 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1640 E. Military Road, Superior, Wisconsin 54880.

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

2. At all times relevant to this action, Respondent was employed as a licensed professional counselor for Lutheran Social Services of Wisconsin and Upper Michigan, 33 N. 25th Street East in Superior, Wisconsin.

3. On September 9, 2013, the Department received a complaint alleging, among other things, that Respondent: (1) improperly engaged in a dual relationship with a client (Client A) and (2) violated the boundaries between a counselor and patient by providing money to the client and client's family.

4. On October 17, 2013, Respondent admitted that he drove Client A to her apartment and discussed Client A's condition with Client A's father. In addition, Respondent admitted that he provided money to both Client A and Client A's father.

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

CONCLUSIONS OF LAW

1. The Wisconsin Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 457.26(2), 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 Jeffrey B. Ballou violated Wis. Admin. Code § MPSW 20.02(13) by failing to avoid a dual relationship that may have impaired Respondent's objectivity and created a conflict of interest.

3. As a result of the violations noted in the Conclusions of Law, Respondent Jeffrey B. Ballou is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. The Department accepts the voluntary SURRENDER of Respondent Jeffrey B. Ballou's professional counseling license (no. 591-125), and the surrender of his right to renew his professional counseling license upon payment of a fee pursuant to Wis. Stat. sec 440.08(3).

3. Respondent is on notice that he may not engage in practice as a professional counselor in the State of Wisconsin, nor may he hold himself out as one so licensed or otherwise authorized to practice professional counseling in this state.

4. This SURRENDER constitutes Respondent's permanent relinquishment of his right to renew his license to practice counseling in the State of Wisconsin. In the event that Respondent re-applies for licensure as a professional counselor in the future, the Section may enter an order denying such application without further notice or hearing.

5. Within fourteen (14) days from the date of this Order, Respondent Jeffrey B. Ballou shall mail or physically deliver all indicia of certification to the Department Monitor at the address below.

6. Within sixty (60) days of the date of this Order, Respondent, Jeffrey B. Ballou, shall pay COSTS of this matter in the amount of \$61.91.

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190
Telephone (608) 267-3817
Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN PROFESSIONAL COUNSELOR SECTION OF THE MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK
EXAMINING BOARD

By: 
A Member of the Section

4/28/14
Date

STATE OF WISCONSIN
BEFORE THE PROFESSIONAL COUNSELOR SECTION OF THE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,
AND SOCIAL WORK EXAMING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY B. BALLOU,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003188

Division of Legal Services and Compliance Case No. 13 CPC 019

Respondent Jeffrey B. Ballou 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 Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Board). 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 Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, 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 Board, the parties agree not to contend that the Board 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 and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

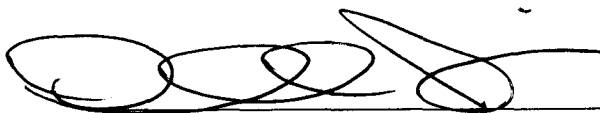
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



Jeffrey B. Ballou, Respondent
1640 East Military Road
Superior, WI 54880
License no. 591-125

1-6-14
Date



Micabil Diaz-Martinez, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

January 6, 2014
Date