

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

MELISSA A. WELLS
RESPONDENT.

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FINAL DECISION AND ORDER

0003190

Division of Legal Services and Compliance¹ Case No. 12 CPC 004

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

Melissa A. Wells
2012 W. Capitol Drive
Appleton, WI 54914

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
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 (Section) of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Board). 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, Conclusions of Law and Order.

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

FINDINGS OF FACT

1. Respondent Melissa A. Wells, (dob: January 8, 1981) is licensed in the State of Wisconsin as a professional counselor in training, having license number 899-226, first issued on August 25, 2010, and current through August 25, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2012 W. Capitol Drive, Appleton, WI 54914.
2. Respondent Melissa A. Wells was employed as a counselor at HOPES Center in Racine, Wisconsin, from May 2010 through approximately December 31, 2011.
3. Client A is a male to whom Respondent provided counseling services at HOPES Center.
4. On various occasions in 2010 and 2011, Respondent and Client A engaged in social activities, and were seen in public by other persons associated with HOPES Center.
5. Respondent admits that she permitted Client A to visit her in her home and admits that she invited Client A to join her and two employees of HOPES Center to go to a boxing match in Milwaukee, and to a club in Milwaukee.
6. Client B is a male to whom Respondent provided counseling services at HOPES Center.
7. Respondent admits that she had Client B assist her in moving furniture from her apartment to another apartment, and that she had him paint the walls of her office at HOPES Center.

CONCLUSIONS OF LAW

1. The Professional Counselor 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 pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described in the Findings of Fact, Respondent Melissa A. Wells violated Wisconsin Administrative Code § MPSW 20.02(13) by engaging in a dual relationship with Client A.
3. By the conduct described in the Findings of Fact, Respondent Melissa A. Wells violated Wisconsin Administrative Code § MPSW 20.02(13) by engaging in a dual relationship with Client B.
4. As a result of the above violations, Respondent Melissa A. Wells is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

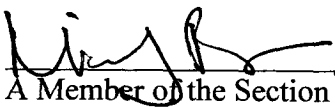
1. The attached Stipulation is accepted.
2. Respondent Melissa A. Wells' Professional Counselor Training License (license number 899-226) is SUSPENDED for a period of three (3) months.
3. The suspension is hereby STAYED based upon Respondent having provided proof, in the form of an affidavit, which was determined by the Section or its designee to be sufficient, that Respondent has sought and participated in counseling sessions that addressed the issues that were contributory to the violations.
4. The professional counselor training license issued to Melissa A. Wells (license number 899-226) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, at her own expense, Respondent shall successfully complete six (6) hours of education on the topic of ethics and professional boundaries, offered by a provider pre-approved by the Section's monitoring liaison. Successful completion shall include taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. The limitation shall be removed upon proof satisfactory to the Section or its designee that the terms of the limitation(s) have been satisfied.
3. Within one hundred and twenty (120) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,400.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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 7190
Madison, WI 53707-7190
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 license. The Section 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 costs as ordered, Respondent's professional counselor training license (number 899-226) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of costs.

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

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

by: , Chief Legal Counsel
A Member of the Section on behalf of the Section
Date 4/28/14

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

MELISSA A. WELLS
RESPONDENT.

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STIPULATION

0003190

Division of Legal Services and Compliance¹ Case No. 12 CPC 004

Respondent Melissa A. Wells 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. Respondent is represented by Attorney Patrick F. Koenen.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance

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

or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, 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 Section, the parties agree not to contend that the Section 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 Section 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 Section may have in connection with deliberations on the Stipulation.

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

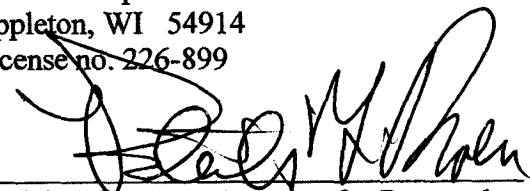
8. Respondent is further informed that should the Section adopt this Stipulation, the Section's Final Decision and Order would constitute an agency finding within the meaning of Wis. Stat. §§ 48.685 and 50.065. Should Respondent wish to work in a Wisconsin DHS-licensed facility in any role, Respondent will need to pass a Rehabilitation Review through DHS prior to commencement of such employment.

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



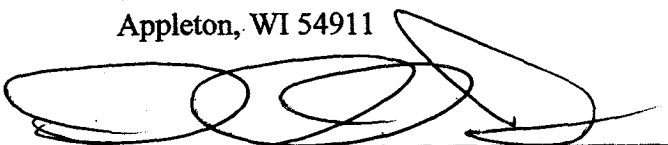
Melissa A. Wells, Respondent
2012 W. Capitol Drive
Appleton, WI 54914
License no. 226-899

1/1/2014
Date



Patrick F. Koenen, Attorney for Respondent
Hinshaw & Culbertson LLP
100 W. Lawrence Street
Appleton, WI 54911

1/10/14
Date



Micabil Diaz-Martinez, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

January 10, 2014
Date