

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

SHERRY L. PECK,
RESPONDENT.

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FINAL DECISION AND ORDER

0003369

Division of Legal Services and Compliance Case No. 13 CPC 023

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

Sherry L. Peck
4464 Magna Vista Drive
Jackson, WI 53037

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 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 in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Sherry L. Peck (dob May 22, 1952) is licensed in the State of Wisconsin as a professional counselor, having license number 3488-125, first issued on December 10, 2004, and with registration current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4464 Magna Vista Drive, Jackson, Wisconsin 53037.

2. During 2012 through February 5, 2013, Respondent was employed by a human services agency as a professional counselor.

3. Client A was born on January 16, 1979, and is partially disabled from a traumatic brain injury. He resides in a group home.

4. Respondent provided job coaching and counseling to Client A during 2012 through February 5, 2013, as part of her employment by the human services agency. Respondent's professional relationship with Client A ended on February 5, 2013.

5. On September 21, 2013, Client A's mother reported that Client A's girlfriend was assisting Client A in contesting a guardianship.

6. Through investigation, the human services agency learned that Respondent was the person Client A's mother referred to as his girlfriend.

7. Records of the group home in which Client A resides establish that Respondent took Client A to her home on thirty-one occasions during the period between August 2013 through January 2014, including four weekend visits during January 2014.

8. The manager of the group home states that Respondent and Client A told him about their plans to get married and live together. Respondent told the group home manager that she was having her house modified to make it more accessible for Client A, who uses a walker for mobility.

9. An investigator for the Division of Legal Services contacted both Respondent and Client A for their responses to the assertion that Respondent and Client A were involved in a romantic relationship. Both Respondent and Client A deny plans to marry, and Client A denies that he has had any visits from or with Respondent after late November 2013.

10. 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, Sherry L. Peck committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(11) by engaging in conduct with a client which could reasonably be construed as seductive within two years of the termination of professional services.

3. By the conduct described in the Findings of Fact, Sherry L. Peck committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02 by giving misleading responses to the Department's investigation of allegations of unprofessional conduct.

4. As a result of the above violations, Sherry L. Peck is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Sherry L. Peck's license (3488-125) is SUSPENDED for one year.

3. Within 90 days from the date of this Order, Respondent Sherry L. Peck shall pay COSTS of this matter in the amount of \$650.00.

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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 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 the costs as ordered, Respondent's license (no. 3488-125) may, in the discretion of the Section or its designee, 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.

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

By: Charles Lindsey (signature)
A Member of the Section

Date 9/9/14

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

SHERRY L. PECK,
RESPONDENT.

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STIPULATION

0003369

Division of Legal Services and Compliance Case No. 13 CPC 023

Respondent Sherry L. Peck 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 Joseph Doherty.

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 (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice,

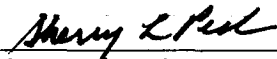
pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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 or Respondent's attorney, 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.

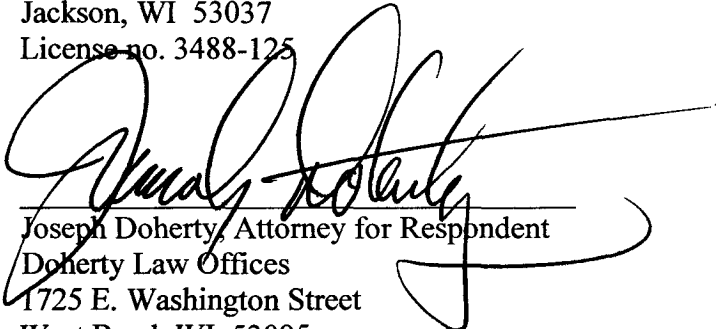
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



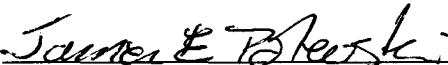
Sherry L. Peck, Respondent
4464 Magna Vista Drive
Jackson, WI 53037
License no. 3488-125

7-3-14
Date



Joseph Doherty, Attorney for Respondent
Doherty Law Offices
1725 E. Washington Street
West Bend, WI 53095

7.3.14
Date



James E. Polewski, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

June 27, 2014
Date