

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ALAN S. WOLKENSTEIN, L.C.S.W.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**00035 02**

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Division of Legal Services and Compliance Case No. 14 SOC 267

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

Alan S. Wolkenstein, L.C.S.W.  
800 W. Dandelion Ln.  
Mequon, WI 53092

Social Worker Section of the Wisconsin 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 Social Worker Section of the Wisconsin 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 Alan S. Wolkenstein, L.C.S.W., (dob March 23, 1939) is licensed in the state of Wisconsin to practice clinical social work, having license number 458-123, first granted on August 3, 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 800 West Dandelion Lane, Mequon, Wisconsin 53092.

2. In 2013, the Department of Safety and Professional Services commenced an audit of compliance with the continuing education requirements for social workers for the 2011-2013 biennium.

3. Respondent's name was randomly selected as a subject of the audit.

4. Respondent certified on his 2013 application for license renewal that he completed thirty (30) hours of continuing education for the 2011-2013 biennium.

5. Respondent did not request and was not granted a postponement or waiver of the social worker continuing education requirements for the 2011-2013 biennium.

6. When Respondent was contacted pursuant to the audit, he indicated that he wished to voluntarily surrender his license due to an illness in his family and his age.

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

#### CONCLUSIONS OF LAW

1. The Social Worker 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(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent violated Wis. Admin. Code § MPSW 8.02(1), by failing to complete 30 credits of continuing education in the appropriate biennium.

3. Respondent, in failing to comply with the requirements of Wis. Admin. Code § MPSW 8.02(1), has engaged in unprofessional conduct as defined by Wis. Admin. Code § 20.02(2).

4. Respondent violated Wis. Admin. Code § MPSW 8.02(1)(b), by failing to complete at least four (4) of the thirty (30) required continuing education hours in the subject area of social work ethics and boundaries.

5. Respondent, in failing to comply with the requirements of Wis. Admin. Code § 8.02(1)(b), has engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2).

6. As a result of the above violation(s), Alan S. Wolkenstein, L.C.S.W, is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

#### ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the license to practice social work in the state of Wisconsin issued to Alan S. Wolkenstein, L.C.S.W., (license no. 458-123) is hereby accepted.

3. Respondent shall not use any social worker title unless and until he is granted relicensure under the terms set out in paragraphs 4 & 5 below.

4. Respondent shall not petition for reinstatement of his license for a period of one (1) year following the date of this order.

5. Before the Section will grant Respondent relicensure, Respondent shall first satisfy the Section or its designee that he has complied with the following:

- a. Respondent shall pay COSTS of this matter in the amount of \$100.00, before any such application may be considered.
- b. Respondent shall successfully complete 30 hours of continuing education for each biennium from 2011-13 through the biennium in which Respondent seeks recertification. Continuing education accomplished pursuant to this paragraph shall comply with the requirements specified in Wis. Admin. Code § MPSW 8.02.
- c. Respondent shall submit proof, satisfactory to the Section or its designee, of the successful completion of the education.
- d. The education completed pursuant to this limitation may not be used to satisfy any other continuing education requirements that have been or may be instituted by the Section or Department.
- e. Respondent shall submit a petition for relicensure and meet all requirements for licensure existing at the time of the application.
- f. Whether to reinstate a credential shall be in the discretion of the Section. The Section may, in its discretion impose such limitations as it deems advisable.
- g. The decision of whether or not to grant relicensure is within the Section's sole discretion and is not reviewable.

6. Proof of successful course completion and 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

7. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondent's right to reapply for licensure. 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.

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

Dated at Madison, Wisconsin this 28 day of Oct, 2017

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

By:   
A Member of the Section

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ALAN S. WOLKENSTEIN, L.C.S.W.,  
RESPONDENT.

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STIPULATION

**0003502**

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Division of Legal Services and Compliance Case No. 14 SOC 267

Respondent Alan S. Wolkenstein, L.C.S.W., 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.

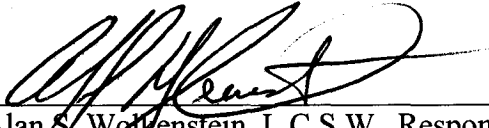
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

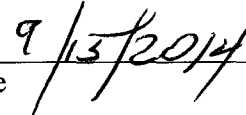
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted 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 and any member of the Section ever assigned as an advisor in this investigation 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. Additionally, any such advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

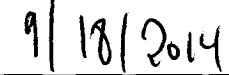
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Alan S. Wolfenstein, L.C.S.W., Respondent  
800 W. Dandelion Ln.  
Mequon, WI 53092  
License no. 458-123

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Cody Wagner, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

  
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Date