

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DONALD G. NESSMAN, PH.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

0003557

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Division of Legal Services and Compliance Case No. 14 PSY 029

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

Donald G. Nessman, Ph.D.  
229 Silvertree Ln  
Redlands, California 92374

Wisconsin Psychology 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 Wisconsin Psychology Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Donald G. Nessman, Ph.D., (dob November 2, 1946) is licensed in the state of Wisconsin to practice psychology, having license number 759-57, first granted on January 19, 1979 and current through September 30, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 229 Silvertree Lane, Redlands, California 92374.

2. On November 11, 2013, the Department of Safety and Professional Services began an audit of compliance with the continuing education requirements for psychologists for the 2011-2013 biennium.

3. Respondent's name was randomly selected as a subject of the audit.
4. Upon investigation it was determined that Respondent failed to complete 34 of the 40 hours of continuing education for the 2011-13 biennium.
5. Respondent completed 26 continuing education hours in December 2013, 6 continuing education hours in January 2014, and 6 continuing education hours in June 2014, which will be applied retroactively to the 2011-13 biennium and shall not be applied to any future biennium.
6. Respondent is now in compliance with the CEH requirements for the 2011-2013 biennium.
7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Psychology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 455.09, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. Pursuant to Wis. Admin. Code § Psy 4.02 (1)(a), every licensee shall complete at least 40 hours of board-approved continuing education in each biennial registration period.
3. By the conduct described in the Findings of Fact, Respondent Donald G. Nessman, Ph.D., violated Wis. Admin. Code § Psy 4.02(1)(a), by failing to complete 40 continuing education hours for the 2011-2013 biennium.
4. By violating Wis. Admin. Code § 4.02(1)(a), Respondent Donald G. Nessman, Ph.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § 5.01(34), by violating any provision of ch. 455, Stats., or any rule or any order of the board.
5. As a result of the above violation(s), Donald G. Nessman, Ph.D., is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent, Donald G. Nessman, Ph.D., license no. 759-57, is hereby REPRIMANDED.
3. Respondent is hereby on notice that the Board will likely audit Respondent's compliance with the continuing education requirements for the 2013-2015 biennium.
4. Within 90 days from the date of this Order, Respondent Donald G. Nessman, Ph.D., shall pay COSTS of this matter in the amount of \$31.42.

5. Payment of 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order, including failure to pay costs as ordered may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board 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. 759-57) may, in the discretion of the Board or its designee, be SUSPENDED without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN PSYCHOLOGY EXAMINING BOARD

by:   
A Member of the Board

11-19-14  
Date

STATE OF WISCONSIN  
BEFORE THE PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DONALD G. NESSMAN, PH.D.,  
RESPONDENT.

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STIPULATION

0003557

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Division of Legal Services and Compliance Case No. 14 PSY 029

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Respondent Donald G. Nessman, Ph.D., 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 Psychology 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.

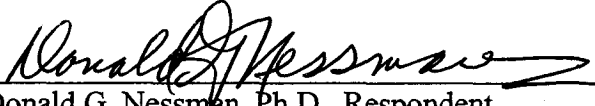
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

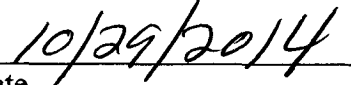
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


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.

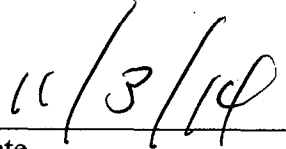
7. ~~Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.~~

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.

  
Donald G. Nessman, Ph.D., Respondent  
229 Silvertree Ln  
Redlands, California 92374  
License No. 759-57

  
Date

  
Sandra L. Nowack, Attorney  
State Bar Number 1025643  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190  
Tel. (608) 266-8098  
[sandra.nowack@wisconsin.gov](mailto:sandra.nowack@wisconsin.gov)

  
Date