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**Before the
State Of Wisconsin
Psychology Examining Board**

In the Matter of the Disciplinary Proceedings
Against Randi Erickson, Respondent

FINAL DECISION AND ORDER

Order No. **0003979**

Division of Legal Services and Compliance Case No. 14 PSY 024

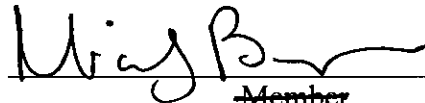
The State of Wisconsin, Psychology Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Psychology Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 15th day of May, 2015.



~~Member~~

Psychology Examining Board

Michael J. Berndt, Chief Legal Counsel
Dept. of Safety & Professional Services



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of the Disciplinary Proceedings
Against Randi Erickson, Respondent

DHA Case No. SPS-14-0078
DLSC Case No. 14 PSY 024

PROPOSED DECISION AND ORDER

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Randi Erickson
469 County Road E
Hudson, WI 54016

Wisconsin Psychology Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

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

PROCEDURAL HISTORY

On October 22, 2014, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), served a Notice of Hearing and Complaint on Respondent. The Complaint alleged that Respondent failed to provide information regarding her continuing education courses to the Department as requested, in violation of Wis. Admin. Code §§ Psy 4.02(1)(c) and 5.01(24). Respondent failed to file an Answer to the Complaint within 20 days as required by Wis. Admin. Code § SPS 2.09 and as instructed to do by the October 22, 2014 Notice of Hearing. Following expiration of the 20-day time period, a prehearing conference was held on November 21, 2014, at which a hearing date and related deadlines were established.

A Scheduling Order was issued on November 21, 2014, setting the hearing for February 19, 2015, setting a February 5, 2015 due date for exhibit and witness lists and exhibits, and extending Respondent's deadline to file an Answer to the Complaint to December 1, 2014.

Respondent failed to file an Answer by the December 1, 2014 deadline, instead filing her response by email on December 10, 2014, a hard copy of which was received by the undersigned administrative law judge (ALJ) on December 16, 2014. No explanation was provided as to why the response was again late. The response consisted of several documents related to continuing education courses and also included an "Affidavit in Response to Complaint" (December 10, 2014 Affidavit), a lengthy single-spaced document primarily setting forth Respondent's allegations of unfair treatment by the Department in past disciplinary investigations, and her personal, professional and financial problems which she believes resulted from the Department's actions.

Respondent did not file any exhibits or exhibit and witness lists with the ALJ by the February 5, 2015 deadline. At some point between February 5-10,¹ 2014, however, she provided documents to Attorney Polewski, which were first provided to the ALJ at the February 19, 2015 hearing, where they were admitted as Respondent's Exhibit A. On February 19, 2015, at 10:57 a.m., three minutes prior to hearing, Respondent sent an email to the ALJ, with a number of attachments, which the ALJ did not see until returning to her office following the hearing and which again included documents related to continuing education courses, most of which had already been provided in Respondent's December 10, 2014 response to the Complaint, as well as an additional "Affidavit in Response to Complaint" (February 19, 2015 Affidavit), which was different from Respondent's December 10, 2014 Affidavit in Response to Complaint previously filed.

At the hearing held on February 19, 2015, Respondent appeared by telephone, and the Division and its witness appeared in person. At the outset of the hearing, the Division acknowledged that on July 11, 2014, the Department had received the information it had requested, although the information was received approximately six months from the due date in the second request. The Division also acknowledged that at the time it served its October 22, 2014 Complaint, the Division did not realize that Respondent had provided the information requested. Thus, the Division moved to amend the Complaint to allege that the information requested was not provided in a timely manner. The request to amend the Complaint was granted.

Shortly after the hearing on February 19, 2015, the ALJ discovered that Respondent had not only sent the email containing the attachments at 10:57 that morning, but had also sent two additional emails containing attachments, one at 11:02 a.m., after the hearing had started and another at 12:16 p.m., shortly after the hearing had concluded. The 11:02 email contained two attachments, both of which had just been provided in the 10:57 a.m. email, and the 12:16 p.m. email consisted of one attachment, an Affidavit of Service, evidently related to a prior disciplinary proceeding against Respondent. None of three emails were copied to Attorney Polewski. The ALJ forwarded them to Attorney Polewski and, following no objection from him, entered the emails and attachments into the record as Respondent's Delayed Exhibit C.² The

¹ Respondent's cover letter is dated February 5, 2015, the due date for exhibits; however, the document was date-stamped by the Division of Legal Services and Compliance on February 10, 2014.

² The ALJ informed the parties that she would not include in the record the entire 132-page document entitled, "Marriage and Family Counseling A Christian Perspective," which was attached to both Respondent's 10:57 and 11:02 a.m. emails, but would only include the cover page to that document as the content was not relevant to the issues in this proceeding.

ALJ advised Respondent that the record was closed and that she could not submit any further materials.

On February 19, 2015, the ALJ issued a Briefing Order, setting a deadline of February 26, 2015 for the Division to file a brief on the issues of discipline and costs, and a deadline of March 5, 2015 for Respondent to file her response. On March 4, 2015, Respondent sent an email to the ALJ and Attorney Polewski, which provided a lengthy explanation regarding Respondent's difficulties in complying with the March 5 deadline. The ALJ extended the deadline for Respondent to submit her argument to March 9, 2015. Respondent sent her argument by email on the evening of March 5, 2015, and sent the same information by regular mail, along with a cover letter, which was received by the ALJ on March 9, 2015. The argument consists of 13 single-spaced pages and primarily addresses the Department's prior disciplinary investigations and actions against Respondent.

FINDINGS OF FACT

1. Respondent Randi L. Erickson is licensed in the State of Wisconsin to practice psychology, having license number 2265-057, first granted on September 14, 2000, and current through September 30, 2015. (Complaint, ¶ 1; December 10, 2014 Affidavit, p. 4; February 19, 2015 Affidavit, p. 5)

2. Respondent's most recent address on file with the Department is 469 County Road E, Hudson, WI 54016. (Complaint, ¶ 2; December 10, 2014 Affidavit, p. 4; February 19, 2015 Affidavit, p. 5)

3. On behalf of the Psychology Examining Board (Board), the Department's Office of Education and Examinations conducted an audit of licensees' compliance with the continuing education requirements for psychologists for the 2011-2013 licensing period. Complaint, ¶ 3; December 10, 2014 Affidavit, p. 4; February 19, 2015 Affidavit, p. 5; Div. Ex. 1, p. 1; Hrg. Tr., pp. 14, 22)

4. Respondent was selected as a subject of the audit. (Complaint, ¶ 4; December 10, 2014 Affidavit, p. 4; February 19, 2015 Affidavit, p. 5)

5. On November 11, 2013, Peter Schramm, a continuing education specialist for the Department, sent a letter to Respondent at her address of record. (Complaint, ¶ 5; December 10, 2014 Affidavit, p. 4; February 19, 2015 Affidavit, p. 5; Div. Ex. 1, p. 1; Hrg. Tr., pp. 13-15)

6. The November 11, 2013 letter notified Respondent of the audit, directed her to list the continuing education she had completed during the 2011-2013 licensing period, and to file that list and documentation of completion of the courses by December 11, 2013. (Complaint, ¶ 6; December 10, 2014 Affidavit, p. 4; February 19, 2015 Affidavit, p. 5; Div. Ex. 1, p. 1; Hrg. Tr., pp. 14-16)

7. Because Respondent did not comply with the December 11, 2013 deadline, on or about December 11, 2013, Schramm sent a second notice of the audit to Respondent. (Div. Ex. 1, p. 4; Hrg. Tr., p. 16)

8. The second notice directed Respondent to file a list of continuing education courses she had completed during the 2011-2013 licensing period, and a copy of documentation of completion of the courses, no later than January 10, 2014. (*Id.*)

9. In May of 2004, Schramm referred the matter to the Board, resulting in the case being handled by the Division of Legal Services and Compliance. Prior to his referral, Schramm ensured that the Department had not received any documents from Respondent on or before the January 10, 2014 audit deadline. (Div. Ex. 3, pp. 1-2; Hrg. Tr., pp. 18-19, 22-25)

10. Respondent provided the requested information to the Department on July 11, 2014. The information showed that she was in compliance with her continuing education requirements for the 2011-2013 licensing period. (Resp. Ex. A, p. 3; Hrg. Tr., pp. 6, 19)

11. Following filing and service of the October 22, 2013 Complaint, on November 7, 2014, Respondent contacted Schramm by email, stating that she had received from Attorney Polewski a disciplinary notice and that she had previously provided the requested information. She stated that she had sent the information by fax and that she realized that she should have notified him by email that she sent the information by fax. The lengthy email to Schramm describes at length Respondent's various personal, financial and professional hardships and her summary of the Division's treatment of her. However, Respondent never stated what date she claimed to have first submitted the requested information, did not indicate that she had complied with the January 10, 2014 deadline, and did not indicate that she had sent the requested information twice. (Div. Ex. 3, pp. 3-5)

12. On November 17, 2014, Respondent again emailed Schramm, asking if he needed her to fax her continuing education records again or if he had located them. She again stated that she had sent them by fax but had neglected to send Schramm a follow-up email saying she had faxed the information. She also stated, "I do have proof it was sent, date, number of pages, etc. in order to avoid this hearing." Most of the lengthy email again addressed her various personal issues and problems with the Department. (Div. Ex. 3, pp. 2-3)

13. On November 20, 2014, Schramm emailed Respondent advising her that his role in the audit ended in May of 2014, and that the matter had been referred to the Division of Legal Services and Compliance which had received all of the information that Schramm had received over the course of the audit. Schramm copied his supervisor on the email and instructed Respondent to contact the supervisor if there were questions regarding the Office of Education and Examinations' role in the audit and that his Office had no further role in the investigation. He advised her to send continuing education documentation to the Division of Legal Services and Compliance. (Div. Ex. 3, p. 2)

14. Despite Schramm's instructions, on November 20, 2014, Respondent again emailed him, stating,

*I did faxed [sic] the CEU documents to you several months ago. I need to know -- Did you get them via FAX? If so there should be **no follow-up necessary**. I tried to scan in what I previously faxed re: the certificates but I can also email to you now (I think) or fax the **cover page that said the documents went through to your fax number**. I really just need for you to tell Jim Polewski if you received my*

CEUS or if you didn't receive them and reported me as delinquent, ***I'll send the certificates and fax cover letter so you can see that they s[ay] received through your fax number [sic]*** They are in my office, and I'll send shortly if I don't hear from you.

(Div. Ex. 3, p. 2) (emphasis in original) The record contains no evidence that the cover letter was ever faxed.

15. Schramm's supervisor emailed Respondent on the same day, November 20, 2014, stating that Schramm had confirmed that he did not receive any continuing education certificates of completion or other verifying documentation during the compliance audit he conducted. The email again advised Respondent that the Division was now handling the case and that if she had certificates of attendance confirming completion, she should send them to Attorney Polewski. (Div. Ex. 3, p. 1)

16. When Respondent contacted Schramm by email in November 2014, Schramm checked every document the Department had received prior to the audit deadline and found no documents from Respondent received prior to January 10, 2014. If the Department had received any documents after May of 2014, the documents would have gone to the Division of Legal Services and Compliance because the Office of Education and Examinations would no longer have been part of the audit. (Hrg. Tr., pp. 22-25)

17. In Respondent's December 10, 2014 email to the ALJ and Attorney Polewski providing her response to the Complaint, she states:

I know my response was due Dec. 5, 2014 [sic], but since I HAD sent in my CEUs Jan. 4 [sic], 2014 (they were due Jan 10 according to the letter I received from Peter Schramm in Dec.) and again sent my C[EU]s in June or July when I discovered another class I had taken between 2011-2013. [sic]

As soon as I received your and Attorney [Polewski's] letter regarding a hearing, I immediately emailed Peter Schramm to ask if he'd received my CEUs in January. . . . I asked Peter Schramm to please let Attorney [Polewski] know that I had sent them. . . . Since I contacted Mr. Schramm on Nov. 4, 2014 to make sure he received the CEUs and had not heard from him, I again emailed him on Nov. 17 asking him if he had found my CEUs, and was told he had nothing to do with the follow-up, so I faxed all of my CEUs to him once again *including the cover page to my original faxes showing the fax had gone through.*

18. On January 29, 2015, Respondent sent another email to the ALJ and Attorney Polewski stating that she had provided continuing education verification to the Department on January 6, 2014, prior to the January 10, 2014 deadline. She stated that after receiving information from Attorney Polewski indicating a hearing would be held on this issue, she "immediately FAXED to Mr. Schramm another copy of my CEUs along with the FAX cover sheet indicating what had been sent to Mr. Schramm, and proof that the FAX had been sent directly to this office on January 6 ***I even included the 'okay' indicating that the FAX had been delivered.*** I see Attorney Polewski has included in the packet I received from him

today the email I exchanged with Mr. Schramm [Div. Ex. 3], but no evidence of the fax or original fax cover page indicating that the fax went through on Jan. 6th.”

19. Respondent testified at hearing that, at one point, she had cover pages for both her January 6, 2014 and July 11, 2014 faxes to the Department, showing that her faxes had gone through successfully. She testified that she was “so excited” when she found them but that she was embarrassed to say that when she went to look for them recently, she could find the cover page for only the July 11, 2014 fax. She stated that she knows the January 6, 2014 fax was sent to Schramm or “his assistant” and that she thought of printing the results off her copy machine fax but that the copy machine fax was in her office, to which she did not have access. (Hrg. Tr., pp. 39-40)

DISCUSSION

Burden of Proof

The burden of proof in disciplinary proceedings is on the Division to show by a preponderance of the evidence that the events constituting the alleged violations occurred. Wis. Stat. § 440.20(3); *see also* Wis. Admin. Code § HA 1.17(2). To prove by a preponderance of the evidence means that it is “more likely than not” that the examined action occurred. *See State v. Rodriguez*, 2007 WI App. 252, ¶ 18, 306 Wis. 2d. 129, 743 N.W.2d 460, citing *United States v. Saulter*, 60 F.3d 270, 280 (7th Cir. 1995).

Violations

Pursuant to Wis. Stat. § 455.09(g), a psychologist may be reprimanded or may have his or her license limited, suspended or revoked if the psychologist “[v]iolates this chapter or any rule of professional conduct promulgated under this chapter.”

In its Amended Complaint, the Division alleges that Respondent violated Wis. Admin. Code § Psy 4.02(1)(c) and engaged in unprofessional conduct under Wis. Admin. Code § Psy 5.01(24) by failing to timely respond to the Division’s request for information regarding her compliance with continuing education requirements.

Wisconsin Admin. Code § Psy 4.02(1)(c) requires: “To meet the continuing education requirement, a licensee shall submit to the board a certificate of attendance upon the board’s request.” Wisconsin Admin. Code § Psy 5.01(24) defines unprofessional conduct to include “[f]ailure to respond honestly and in a timely manner to a request for information from the board or with any other request for information by the board.” The rule further states that “[t]aking longer than 30 days to respond creates a rebuttable presumption that the response is not timely.” *Id.* Based on the record, the Division has met its burden of establishing that Respondent’s response was not timely, resulting in violations of Wis. Admin. Code § Psy 5.01(24).³

³ Unlike Wis. Admin. Code § Psy 5.01(24), which specifically states that a response must be “timely,” no such requirement is explicitly provided in Wis. Admin. Code § Psy 4.02(1)(c). Thus, the Division appears to argue that a timeliness requirement is implicit in § Psy 4.02(1)(c). Because I conclude that Respondent’s conduct violated § Psy 5.01(24), I need not address whether that same conduct also constituted a violation under § 4.02(1)(c).

In the instant case, the Department first sent a letter to Respondent on November 11, 2013, directing her to list the continuing education she had completed during the 2011-2013 licensing period and to file the list and documentation of completion of the courses by December 11, 2013. When Respondent did not comply with the December 11, 2013 deadline, the Department sent a second letter, requesting the same information from Respondent and extending the deadline to provide such information to January 10, 2014.

The Division asserts that the Department first received the information requested on July 11, 2014. However, Respondent claims the requested information was first provided on January 6,⁴ 2014, and then again on July 11, 2014. She also states that in November of 2014, she provided proof to Schramm of her January 6, 2014 submission by faxing a “cover sheet” or “cover letter” to him showing the January fax had gone through. She states that although she still has the July cover sheet, she has since lost the January cover sheet.⁵

I find the Division’s assertion more persuasive. First, Schramm unequivocally testified that he would have seen any materials which Respondent provided prior to the January 10, 2014 deadline and that he never saw such materials. He re-confirmed this fact before referring this matter to the Board in May of 2014, and then again when Respondent contacted him in November 2014.

Also, the record does not support Respondent’s current statements that she provided the requested information on January 6, 2014 or her assertion that in November 2014, she provided proof of her January 6 compliance to Schramm in the form of a cover sheet showing the fax went through on January 6.

Significantly, Respondent has failed to provide any proof whatsoever that she submitted the requested information on January 6, 2014, or that she sent proof of such to Schramm in November of 2014. Not only has she somehow lost the January 2014 cover sheet while keeping the July one, but in her emails to Schramm in November 2014 she never once states that the information was provided January 6, 2014, prior the second deadline of January 10, 2014. Rather, her November 2014 emails to Schramm simply state that the information was provided at some unspecified point in the past or “several months ago,” which is consistent with the Division’s position that they were first provided in July of 2014. If Respondent had complied with the January 10, 2014 deadline -- a fact which would completely negate the Division’s Complaint -- it is reasonable to infer that Respondent would have strongly emphasized that critical fact in her November emails to Schramm, particularly since the Complaint setting forth the January 10, 2014 deadline had already been filed by that point. But Respondent never tells Schramm she submitted the information prior to the deadline and instead begs Schramm for assistance in convincing Polewski not to pursue the Complaint, not on grounds that she provided

⁴ At other points in these proceedings, Respondent has asserted that she first provided the information on January 4 (rather than January 6), 2014, for example, in her December 2014 email to the ALJ and in her February 19, 2015 Affidavit (at page 6).

⁵ At hearing, Respondent stated: “And I faxed them off on January 6. And at that time I had found both the cover sheet for that fax, which I sent to Mr. Schramm, and the cover sheet for the CEUs I sent in July When I received the letter from Mr. Polewski stating he had not received my CEUs, I sent them immediately. But in the folder -- I realize this will be hard to believe, but I found the cover page for the July 11 faxing of my documents, but I did not find the cover letter for the January 6 indicating that the fax had gone through. It was not in my folder with all of my documents.” (Hrg. Tr., pp. 9-11)

the requested materials January 6, before the deadline, but because she had provided them at some unspecified point in the past and because she had been treated unfairly by the Department in the past and had suffered as a result.

Moreover, Respondent never states in her November 2014 emails to Schramm that she provided the requested information on two separate occasions, in January and in July of 2014. Rather, her emails simply state that they were previously sent, suggesting that it occurred once. Had Respondent sent the documents requested on two previous occasions, it is reasonable to conclude she would have told Schramm or someone in the Division of that fact during her November correspondence. In addition, in her emails to Schramm, Respondent only refers to a singular "cover sheet" proving she previously submitted the documents; she does not refer to two "cover sheets." This undercuts her assertion that she ever had two cover sheets in her possession, one for her January 2014 submission and another for the submission in July.

Also, in her November 2014 emails to Schramm, Respondent never stated that she provided a copy of the cover letter showing that she sent the requested information on January 6. Rather, her emails to Schramm only states that she will provide proof of her prior submission at some point in the future if he does not inform her that he found the requested information. Had Respondent sent a fax to Schramm in November containing proof that she had sent the requested information in January, it is reasonable to conclude she would have informed Schramm she had done so, particularly since, as indicated in her own emails to Schramm, Respondent knew that any fax should be followed up with an email saying that the fax had been sent. Respondent has not provided the ALJ with any such emails to Schramm or to anyone else in the Division stating that she had just faxed the Division proof that she had complied on January 6. Respondent has likewise failed to provide any fax receipt showing that anything whatsoever was faxed to Schramm or the Division in November of 2014.

Thus, the record completely undermines Respondent's assertions that she sent the requested information by fax on January 6, 2014 and that she sent a cover letter to Schramm in November 2014 indicating that her January 6 fax went through. Respondent's statement that she sent the materials on January 6, 2014 is also made less credible by the fact that Respondent, by her own account, was experiencing extreme turmoil and hardship during the relevant time period, which could have contributed to her neglecting to send the materials for six months. Respondent's assertion is further undermined by her conduct in this proceeding, which has demonstrated an inability to adhere to deadlines and a propensity to spend far more time providing irrelevant information and excuses than simply doing what is required.

Based on the foregoing, I conclude that Respondent complied with the Department's November and December 2013 requests for information on July 11, 2014, approximately six months after the second deadline of January 10, 2014. I further conclude that this response was not "timely" as required by Wis. Admin. Code § 5.01(24).⁶ As a result, Respondent is subject to discipline pursuant to Wis. Stat. § 455.09(1)(g).

⁶ Respondent states that the Division's action in this proceeding is in retaliation for Respondent's conduct or perceived conduct related to other investigations and proceedings against her by the Department. There is no support for this theory. I also note that all Respondent had to do in order to avoid this proceeding was simply provide the information requested by the Department in a timely manner. She failed to do so.

Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

In the instant case, the Division recommends that Respondent be reprimanded for failing to provide requested information to the Department in a timely manner. Based on the facts of this case and the purposes of discipline delineated in *Aldrich*, I conclude a reprimand is warranted. Such discipline will hopefully promote Respondent's rehabilitation in that it will emphasize that timely compliance with the Board's request for information is important. Such discipline may reduce the likelihood that Respondent will again fail to follow the regulatory authority's directives and serves to deter others from engaging in such dilatory conduct.

Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. With respect to imposition of costs, factors to consider include: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the cooperation of the respondent; (5) any prior discipline; and (6) the fact that the Department is a program revenue agency, funded by other licensees. *See In the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz*, Order No. LS0802183CHI (Aug. 14, 2008).

The Division requests that no costs be imposed on Respondent for these proceedings. Based on the facts of this case and the factors in *Buenzli-Fritz*, the Division's request is warranted. Regarding the seriousness of the conduct, I note that the conduct alleged and proven in this case involved submitting proof in an untimely manner, approximately six months after the January 10, 2014 deadline. It did not involve a failure to complete continuing education or a complete failure to submit proof thereof.

In addition, some of the confusion and time spent in this case might have been avoided had the Division realized sooner that Respondent had actually sent the information on July 11, 2014. The Division indicated at hearing that this was not discovered until November of 2014, after it had filed the Complaint indicating that Respondent had never responded.

I also note that the discipline recommended by the Division and imposed in this case, a reprimand, is on the lower end of the spectrum of permissible discipline. Further, although prior disciplinary proceedings have been taken against Respondent, at the time of the Complaint was filed and a hearing was held in the instant matter, Respondent's other disciplinary matter was pending in the Wisconsin Court of Appeals. Since that time, the Court has decided that case in the Department's favor, and presumably, some type of discipline will result from that proceeding. *See Erickson v. Wisconsin Psychology Examining Bd.*, 2015 WL 868175 (Ct. App., March 3, 2015). Finally, Respondent has attempted to be cooperative in this proceeding, even if at times she had difficulty focusing on the actual allegations at hand and complying with procedures.

Based on the foregoing, no costs are imposed against Respondent in this case.

CONCLUSIONS OF LAW

1. The Division met its burden of establishing that Respondent engaged in unprofessional conduct, in violation of Wis. Admin. Wis. Stat. § 455.09(g) and Wis. Admin. Code § Psy 5.01(24), by not responding in a timely manner to the Board's request for information concerning her continuing education courses.

2. Reprimanding Respondent is warranted based on the facts of record and the factors delineated in *Aldrich*.

3. Having the Division bear its own costs for these proceedings is warranted under the facts of record and the Department's prior decision in *Buenzli-Fritz*.

ORDER

For the reasons set forth above, IT IS ORDERED that Respondent is hereby REPRIMANDED.

IT IS FURTHER ORDERED that the above-captioned matter is hereby closed as to Respondent Randi Erickson.

Dated at Madison, Wisconsin on March 26, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____

Jennifer E. Nashold
Administrative Law Judge

PROPOSED FINAL DECISION AND ORDER

Randi Erickson, Respondent (DHA case # SPS-14-0078)(DLSC case # 14 PSY 024)

(Rebecca Anderson recused herself and left the room for deliberation in the matter concerning Randi Erickson, respondent (DHA case #SPS-14-0078)(DLSC case # 14 PSY 024).)

MOTION: Marcus Desmonde moved, seconded by David Thompson, to delegate final decision making authority in the disciplinary proceedings against Randi Erickson, Respondent (DHA case number SPS-14-0078)(DLSC case number 14 PSY 024) to DSPS Chief Legal Counsel. Motion carried unanimously.