

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ALLEN J. LEE,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004146

Division of Legal Services and Compliance Case No. 14 RSA 012

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

Allen J. Lee
8221 W. Greentree Rd.
Milwaukee, WI 53223

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Allen J. Lee (DOB June 8, 1960) is certified in the state of Wisconsin to practice as a clinical substance abuse counselor, having certification number 14352-132, first granted on March 7, 2006 and current through February 28, 2017. Respondent is also certified to practice as a clinical substance abuse counselor in-training, having certificate number 14741-133, first granted on August 14, 2006. This certificate expired on February 28, 2011, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 28, 2016. Respondent's most recent address on file with the Department is 8221 West Greentree Road, Milwaukee, Wisconsin 53223.

2. At all times relevant to this proceeding, Respondent was employed as a substance abuse counselor at community home located in Milwaukee, Wisconsin.

3. On June 3, 2013, in Milwaukee County Circuit Court case number 13CM2527, Respondent was found guilty and convicted of one count of disorderly conduct, a misdemeanor, in violation of Wis. Stat. § 947.01(1).

4. As a result, Respondent was sentenced to 90 days in the House of Correction, which was stayed, and nine months' probation, with a condition that Respondent have no contact with the victim, her residence, or the block in which she lives. Respondent was also ordered to obtain a sex offender assessment.

5. The conviction was a consequence of Respondent's conduct on May 24, 2013, in which Respondent made several attempts to lure a minor female into his car. The victim reported that she observed Respondent "rubbing himself" in his "private" area while attempting to get her into the car.

6. On February 25, 2014, Respondent self-reported the conviction. Respondent denied the sexual conduct.

7. In resolution of this matter, and without admitting underlying facts, Respondent consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, 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 Allen J. Lee, engaged in unprofessional conduct as defined in Wis. Admin. Code § SPS 164.01(2)(b), by violating, or aiding and abetting a violation of any law or rule substantially related to practice as a substance abuse counselor.

3. By the conduct described in the Findings of Fact, Respondent Allen J. Lee, violated Wis. Stat. § 440.03(13)(am), by failing to report a conviction of a felony or misdemeanor to the department within 48 hours after the entry of a judgement of conviction.

4. As a result of the violations noted in the Conclusions of Law, Respondent Allen J. Lee, is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. The certification of Allen J. Lee (certificate no. 14352-132) to practice substance abuse counseling in the state of Wisconsin is SUSPENDED indefinitely from the date of this Order.

3. The suspension shall not be stayed for six months from the date of this Order.

4. The suspension may be stayed after six months if Respondent first presents proof acceptable to the Board or its designee that he has obtained an unconditionally favorable fitness to practice evaluation that demonstrates he does not possess an impairment or condition, including pedophilia, that renders him unable to safely and reliably practice substance abuse counseling.

5. No more than six months prior to petitioning for a stay of suspension, Respondent shall undergo an evaluation by a mental health care professional who is competent to determine whether or not Respondent currently possesses a mental health condition which renders Respondent unable to practice substance abuse counseling with reasonable skill and safety to patients.

6. The evaluator must be preapproved by the Board's designee, under the following terms:

- a. Before undergoing the evaluation, Respondent shall submit to the Department Monitor a copy of the evaluator's curriculum vitae, and copies of professional licenses and certifications held.
- b. The evaluator must be a licensed doctorate-level psychologist who is certified in a relevant field of practice by the American Board of Professional Psychology or a licensed psychiatrist who is certified in a relevant field of practice by the American Board of Psychiatry and Neurology. At the discretion of the Board's designee, additional experience in a relevant field of practice may be substituted for Board certification. At the discretion of the Board's designee, alternate Board recognitions, such as fellowships, may also be substituted for Board certification.
- c. The evaluator must have had no previous personal or professional relationship with Respondent, and may not have previously evaluated or treated Respondent.
- d. The evaluator shall have had a minimum of ten years of experience in the practice of psychology or psychiatry, and may not have been previously disciplined by any credentialing authority.
- e. While the evaluator remains responsible for the final evaluation, the evaluator may delegate testing or other components of the evaluation to other mental health professionals who the evaluator deems competent to conduct those tests or perform the delegated task.

- f. The exact tests chosen for administration are within the discretion of the evaluator. However, the evaluation must include a comprehensive interview of the individual and the use of rating scales, neuropsychological testing, and personality tests.¹
- g. The evaluation shall specifically address whether Respondent is at risk for sexually assaulting children.
- h. Within thirty (30) days of the completion of the evaluation, a written report regarding the results shall be submitted to the Department Monitor at the address below.
- i. The evaluator shall identify restrictions on the nature of practice or practice setting or requirements for supervision of practice, if any, which are necessary to render Respondent able to practice professional counseling or substance abuse counseling with reasonable skill and safety.
- j. The evaluator shall identify specific mental health treatment goals, if any, which must be met before Respondent is able to practice professional counseling or substance abuse counseling with reasonable skill and safety.
- k. The evaluator's opinions and conclusions must be rendered to a degree of reasonable professional certainty.
- l. Respondent shall authorize release directly to the evaluator of records of mental health evaluations, diagnosis, treatment and treatment summaries that Respondent has undergone since professional counseling or substance abuse counseling, and such other records that the evaluator determines are necessary to a competent evaluation.
- m. Respondent is responsible for the costs associated with the evaluation.
- n. Respondent shall authorize the evaluator to discuss the results of the evaluation with the Board or its designee.
- o. Before undergoing the evaluation, Respondent shall provide the evaluator with a copy of this Order, a copy of the Judgment of Conviction in

¹ Commonly used tests include the Beck Anxiety Inventory, Beck Depression Inventory-II, Brief Psychiatric Rating Scale (BPRS), Bums Anxiety Inventory, Bums Depression Inventory, Hamilton Anxiety Rating Scale, Hamilton Depression Rating Scale, Inventory to Diagnose Depression, Profile of Mood States (POMS), State-Trait Anxiety Inventory (STAI), Symptom Checklist-90-Revised, Taylor Manifest Anxiety Scale, Yale-Brown Obsessive-Compulsive Scale, Kaufman Adolescent and Adult Intelligence Test, Rorschach, Wechsler Adult Intelligence Scale-III or IV (WAIS-III or WAIS-IV), Wechsler Memory Scale IV (WMS-IV), Category Test, Continuous Performance Test, Halstead-Reitan Neuropsychological Test Battery, MMPI2, NEO Personality Inventory, PAI, and the Thematic Apperception Test.

Milwaukee County Circuit Court Case No. 13CM2527, and police reports from the events of May 24, 2013 and January 24, 2014.

7. In the event Respondent undergoes a fitness to practice evaluation as set out above, and the result is conditional, the Board or its designee may, in its sole discretion, stay the suspension with limitations as necessary to avoid unacceptable risk of harm to the public or approve a plan for remediation as a prerequisite to the stay of Respondent's suspension.

8. The decision of whether or not to stay Respondent's suspension at any time is in the sole discretion of the Board or its designee and any decision to deny a stay of the suspension is not subject to review.

9. After Respondent's suspension has been stayed for a period of at least two consecutive years, and Respondent has successfully completed the period of probation ordered in Milwaukee County Circuit Court Case No. 13CM2527, Respondent may, once each calendar year, petition the Board to terminate the suspension. The Board or its designee may terminate the suspension when the Board or its designee is satisfied that Respondent does not create an unacceptable risk to patients or the public.

10. Stays of suspension or termination of the suspension shall not be unreasonably withheld.

12. Prior to petitioning for any stay of suspension Respondent shall pay costs of this matter in the amount of \$390.00.

13. Request for approval of evaluator, reports, petitions, other documents and payment of costs (payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

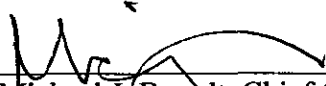
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

14. Respondent is on notice that he may not practice as a clinical substance abuse counselor or a substance abuse counselor-in-training in the state of Wisconsin, nor may he hold himself out as an addiction counselor, clinical substance abuse counselor, clinical substance abuse counselor-in-training, alcohol and drug counselor, substance use disorder counselor or chemical dependency counselor while his credential to do so is suspended.

15. Violation of any 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 credential. The Department in its discretion may in the alternative impose additional conditions and limitations for a violation of any terms of this Order.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Counsel
On Behalf of the Department

7/14/15
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ALLEN J. LEE,	:	
RESPONDENT.	:	

0004146

Division of Legal Services and Compliance Case No. 14 RSA 012

Respondent Allen J. Lee 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.

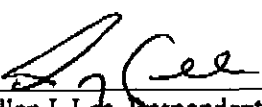
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

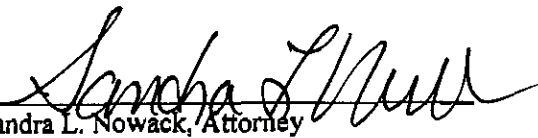
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department'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 that the Department adopt this Stipulation and issue the attached Final Decision and Order.


Allen J. Lee, Respondent
8221 W. Greentree Rd.
Milwaukee, WI 53223
License no. 14352-132

7-5-15
Date


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7/6/15
Date