

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

SUFIAN M. ASSAD,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: 0004179
: DHA Case No. SPS-14-0083

Division of Legal Services and Compliance Case No. 13 CPC 014

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

Sufian M. Assad
2946 S. 72nd Street
West Allis, WI 53219

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 Division of Legal Services and Compliance commenced this proceeding by filing a formal Complaint on November 12, 2014. Administrative Law Judge Jennifer Nashold presided over a prehearing conference on December 16, 2014, and Respondent Sufian M. Assad filed an Answer on December 23, 2014.

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 or its designee. The Section or its designee has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section or its designee in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Sufian M. Assad (dob April 3, 1962) is licensed in the State of Wisconsin as a professional counselor, having license number 3247-125, first granted on December 3, 2002, and current through February 28, 2015. Sufian M. Assad's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2946 S. 72nd Street, West Allis, Wisconsin 53219.
2. Between 1999 and April 16, 2013, Respondent was employed as a professional counselor by the Division of Vocational Rehabilitation of the Wisconsin Department of Workforce Development ("DVR"). His job duties included assisting clients to become qualified for and find stable employment and stable housing.
3. On several occasions during the course of his employment, Respondent referred Arabic speaking persons who had sought assistance from DVR to Respondent's Arabic speaking relatives or acquaintances for employment. Respondent had reason to believe that DVR was aware of his connections to businesses where Arabic speaking clients could succeed, and he had reason to believe that Arabic speaking clients were assigned to him because of those connections.
4. While employed at DVR, Respondent regularly attended training on professional ethics and standards, including training on avoiding dual relationships and conflicts of interest.
5. It is unprofessional conduct for a professional counselor to fail to avoid relationships that may create a conflict of interest involving a client.
6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board or its designee 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, Sufian M. Assad violated Wis. Admin. Code § MPSW 20.02(14) by referring clients from DVR to Respondent's relatives and acquaintances for employment.
3. As a result of the above violations Sufian M. Assad is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Sufian M. Assad is REPRIMANDED.
3. Within 90 days from the date of this Order, Sufian M. Assad shall pay COSTS of this matter in the amount of \$399.00.
4. 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 8935, Madison, WI 53708-8935
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 or its designee 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. 3247-125) 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 OF THE WISCONSIN MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING
BOARD

by:



For the Section

Michael J. Berndt

Chief Legal Counsel, DSPS

8/11/15

Date

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

SUFIAN M. ASSAD,
RESPONDENT.

STIPULATION

0004179

Division of Legal Services and Compliance Case No. 13 CPC 014

Respondent Sufian M. Assad and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

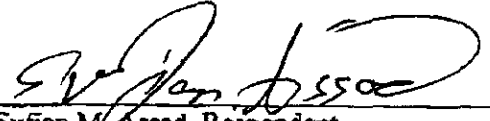
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section) or its designee. 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 order, if adopted in the form as attached.

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

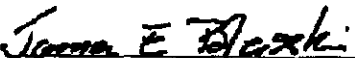
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Section or its designee in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering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

7. Respondent is informed that should the Section or its designee adopt this Stipulation, the 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 or its designee adopt this Stipulation and issue the attached Final Decision and Order.


Sufian M. Assad, Respondent
2946 S. 72nd Street
West Allis, WI 53219
License no. 3247-125

2/17/15
Date


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

January 23, 2015
Date