

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 :
: FINAL DECISION AND ORDER
JAMES T. KIRSCH, L.P.C. :
RESPONDENT. :

0004180

Division of Legal Services and Compliance Case No. 14 CPC 007

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

James T. Kirsch, L.P.C.
18045 W. Observatory Rd.
New Berlin, WI 53146

Professional Counselor 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 Professional Counselor 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 James T. Kirsch, L.P.C., (dob August 31, 1973) is licensed to practice professional counseling in the state of Wisconsin, having license number 3373-125, first issued on December 4, 2003 and current through February 28, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 18045 Observatory Road, New Berlin, Wisconsin 53146.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a behavioral health clinic, located in Green Bay, Wisconsin.

3. On September 16, 2013, in Brown County Circuit Court Case No. 2012CF319, Respondent was found guilty due to Alford Plea of battery-domestic abuse in violation of Wis. Stat. §§ 940.19(1) and 968.075(1)(a), and disorderly conduct-domestic abuse in violation of Wis. Stat. §§ 947.01(1) and 968.075(1)(a). Court ordered conditions of probation included six (6) months in jail, no contact with Ms. B. or her children, and domestic violence treatment.

4. The conviction in Case No.2012CF319 is not Respondent's only legal history.

5. On August 4, 2012, Respondent, as an indirect result of the conviction, participated in an interview with a psychologist. During the interview, Respondent was not honest when he described his legal history.

6. Respondent adamantly denies any wrong-doing, but has agreed to resolve this matter by stipulation. 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 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. By the conduct described in the Findings of Fact, James T. Kirsch, L.P.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2), by violating a law, the circumstances of which are substantially related to the practice of professional counseling.

3. By the conduct described in the Findings of Fact, James T. Kirsch, L.P.C., engaged in unprofessional conduct as prohibited by Wis. Admin. Code § MPSW 20.02(intro), by knowingly presenting false information in a psychological assessment of his fitness to practice professional counseling.

4. As a result of the violations, above, James T. Kirsch, L.P.C., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(b) and (h).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary and permanent SURRENDER of the license and privilege of James T. Kirsch, L.P.C., (license no. 3373-125) to practice professional counseling in the state of Wisconsin is hereby accepted.

3. This Order recognizes Respondent's permanent relinquishment of his license to practice as a professional counselor in the state of Wisconsin. Respondent James T. Kirsch, L.P.C., is on notice that he may not engage in the practice of professional counseling in the state of Wisconsin, nor may he hold himself out as one so licensed or otherwise authorized to practice professional counseling in this state.

4. Respondent shall immediately return all indicia of Wisconsin licensure 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

5. 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: 
A Member of the Section

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

JAMES T. KIRSCH, L.P.C.,
RESPONDENT.

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:
:
:
:
:

STIPULATION

0004180

Division of Legal Services and Compliance Case No. 14 CPC 007

Respondent James T. Kirsch, L.P.C., 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). 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 or Respondent's attorney, 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.

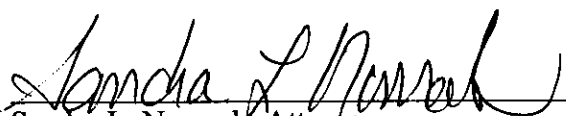
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



James T. Kirsch, L.P.C., Respondent
18045 W. Observatory Rd.
New Berlin, WI 53146
License no. 3373-125

6-5-15
Date



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Division of Legal Services and Compliance
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sandra.nowack@wisconsin.gov

6/5/15
Date