

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER 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
BENJAMIN J. PEERBOLT, A.P.S.W., :
RESPONDENT. : 0004386

Division of Legal Services and Compliance Case No. 14 SOC 312

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

Benjamin J. Peerbolt, A.P.S.W.
8441 N 63rd St.
Brown Deer, WI 53223

Social Worker 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 Social Worker 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 Benjamin J. Peerbolt, A.P.S.W., (dob August 30, 1985) is certified in the state of Wisconsin to practice social work, having certificate number 129322-121, first issued on February 11, 2014 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8441 North 63rd Street, Brown Deer, Wisconsin 53223.

2. Upon information and belief, Respondent's current address is 1305 Augusta Court West, Holland, Michigan 49423-7481.

3. At all times relevant to this proceeding, Respondent was employed as a social worker, at a hospital (the Hospital) located in Oconomowoc, Wisconsin.

4. On June 11, 2014, Respondent began providing treatment to Client A.

5. Respondent provided individual sessions, group work, family contact and discharge planning for Client A. Client A was discharged on August 2, 2014.

6. Prior to Client A's discharge from the Hospital, Respondent gave Client A his work email address and his personal cell phone number.

7. Respondent maintained contact with Client A after her discharge from care. He explained that he was assisting her with transition issues.

8. Respondent told his employer that he had not had contact with Client A since August 22, 2014.

9. In the course of the post-discharge communications, Client A sometimes referred to Respondent as a surrogate family member. A review of Respondent's emails to Client A revealed the following:

- a. On August 8, 2014, Respondent apologized for not calling the past couple days, and he told Client A to go to "CoDA" the next day.
- b. On August 9, 2014, Client A gave her cell phone number to Respondent. Client A informed Respondent that she didn't know if she wanted "to continue the transitional temporary/mentor therapist thing" as it gave her a "false sense of support".
- c. On August 10, 2014, Respondent wrote: "I know what you mean about the false sense of security. I am worried about that too and that's not what I want this to be." Respondent went on to write: "Which is hard on my end to not slip into the support role after just having been your therapist." Respondent also shared personal information with Client A regarding his stress and someone close to him passing away.
- d. On August 18, 2014, Respondent agreed to participate in a "family" treatment session with Client A.
- e. In a September 18, 2014 email, Respondent informed Client A that he cannot be the stable, trusting relationship for her "not because [he] doesn't want to, but because of therapeutic boundaries." Respondent admitted that his "therapeutic boundaries moved into the grey zone." Respondent asked Client A to help him by not using the term "surrogate family member" when talking about their relationship. Respondent also asked Client A not to disclose their emails and ongoing communication.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Social Worker 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, 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, Benjamin J. Peerbolt, A.P.S.W., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid a dual relationship or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. As a result of the above violations, Benjamin J. Peerbolt, A.P.S.W., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. The certificate of Benjamin J. Peerbolt, A.P.S.W., (certificate number 129322-121), to practice social work in the State of Wisconsin is **SUSPENDED** for a period of four (4) months from the date of this Order. The suspension shall terminate after four months from the date of this Order.

3. Respondent shall not engage in the practice of social work in the state of Wisconsin while his certificate to do so is suspended.

4. The certificate to practice social work issued to Benjamin J. Peerbolt, A.P.S.W., (certificate number 129322-121) is **LIMITED** as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of ethics offered by a provider pre-approved by the Section's monitoring liaison, including taking and passing any exam offered for the courses.
- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

d. This limitation shall be removed from Respondent's certificate after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.

5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$350.00.

6. Request for approval of courses, proof of successful completion of the ordered education and payment of costs (made 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

7. 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 in its discretion may in the alternative impose additional conditions and limitations 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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 129322-121) 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 and provided proof of successful completion of the ordered education.

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

SOCIAL WORKER SECTION OF THE WISCONSIN MARRIAGE AND FAMILY
THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

by: 
A Member of the Section

11-17-15
Date

STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION OF THE MARRIAGE AND FAMILY
THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BENJAMIN J. PEERBOLT, A.P.S.W.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0004386

Division of Legal Services and Compliance Case No. 14 SOC 312

Respondent Benjamin J. Peerbolt, A.P.S.W., 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 Social Worker 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.


 Benjamin J. Peerbolt, A.P.S.W., Respondent
 1305 Augusta Ct. West
 Holland, Michigan 49423-7481
 Certificate no. 129322-121

7/9/15
 Date


 Sandra L. Nowack, Attorney
 Department of Safety and Professional Services
 Division of Legal Services and Compliance
 P.O. Box 7190
 Madison, WI 53707-7190
 Tel. (608) 266-8098
 Fax (608) 266-2264
sandra.nowack@wisconsin.gov

7/10/15
 Date