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**Before the
State Of Wisconsin
Marriage and Family Therapy, Professional Counseling and Social Work
Examining Board**

In the Matter of Disciplinary Proceedings Against
Denise M. Wolodko, Respondent

FINAL DECISION AND ORDER

Order No. 0004389

Division of Legal Services and Compliance Case No. 14 SOC 268

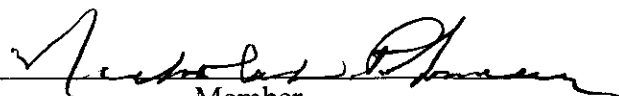
The State of Wisconsin, Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

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, Marriage and Family Therapy, Professional Counseling and Social Work 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 17th day of November 2015.


Member

Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of Disciplinary Proceedings Against
Denise M. Wolodko, Respondent

DHA Case No. SPS-15-0005
DLSC Case No. 14 SOC 268

PROPOSED DECISION AND ORDER

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

Denise M. Wolodko
4126 S. Clement Avenue
St. Francis, WI 53235

Wisconsin Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board
P.O. Box 8366
Madison, WI 53708-8366

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

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

PROCEDURAL HISTORY

These proceedings were initiated on January 16, 2015, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed and served a Notice of Hearing and Complaint on Respondent Denise M. Wolodko (Respondent). Respondent filed an Answer on January 29, 2015. A telephone prehearing conference was convened on February 12, 2015, at which Respondent failed to appear. Because Respondent had filed an Answer, rather than moving for default, the Division requested that another prehearing conference be scheduled. An additional telephone prehearing conference was scheduled for February 23, 2015, at which Respondent appeared and the parties indicated that they wished to have additional time to determine whether a resolution was possible. A telephone status conference was held on March 9, 2015, at which the parties stated that the matter needed to be set for hearing and agreed to a hearing date of May 22, 2015.

The hearing was scheduled for 10:00 a.m. on May 22, 2015. When Respondent had not appeared at the hearing by 10:15 a.m., the Division moved for default and also indicated that it would file an Amended Complaint and a submission with respect to discipline and costs. On May 22, 2015, the undersigned administrative law judge (ALJ) issued a Notice of Default and Order, finding Respondent in default for failure to appear at the scheduled hearing. The Division filed and served its Amended Complaint on May 27, 2015, and its recommended Proposed Findings of Fact, Conclusions of law and Order, and argument in support thereof on June 17, 2015. Respondent has failed to respond in any way to either the ALJ's Notice of Default and Order or to the Division's submissions.

FINDINGS OF FACT

Findings of Fact 1-8 are taken from the Division's Amended Complaint filed in this matter.

1. Respondent Denise M. Wolodko (DOB December 9, 1958), is certified in the State of Wisconsin to practice social work, having certificate number 4691-120, first granted on March 22, 1995, and expired on February 28, 2015. Respondent retains the right to renew her certificate by paying a fee until February 28, 2019.

2. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent is 4126 South Clement Avenue, Saint Francis, Wisconsin 53235.

3. Pursuant to Wis. Admin. Code § MPSW 8.02(1), unless granted a postponement or waiver, every social worker, advanced practice social worker, independent social worker, and clinical social worker shall complete at least 30 education hours in each 2-year credentialing period which begins on March 1 of each odd-numbered year.

4. Respondent certified on her 2013 application for license renewal that she completed 30 hours of continuing education in the 2011-2013 biennium.

5. In 2013, the Department of Safety and Professional Services commenced an audit of licensed social workers' compliance with the continuing education requirements for the 2011-2013 biennium.

6. Respondent was selected as a subject of the audit.

7. Respondent has been contacted multiple times by the Department pursuant to the audit.

8. Respondent has not presented any evidence of any completed continuing education, but has indicated that she has discarded the evidence of her completed continuing education.

9. A hearing was convened in this matter on May 22, 2015, at which Respondent failed to appear.

DISCUSSION AND CONCLUSIONS OF LAW

Default

As stated in the May 22, 2015 Notice of Default and Order, Respondent is in default for failing to appear at the hearing held on May 22, 2015. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3). *Id.* Accordingly, an order may be entered against Respondent on the basis of the Complaint and other evidence. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3).

Violations of Wisconsin Statute and Administrative Code

Following an investigation and disciplinary hearing, the Social Worker Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Section) may reprimand a credential holder or deny, limit, suspend, or revoke a credential if it determines that a credential holder has engaged in unprofessional conduct, or has violated Chapter 457 of the Wisconsin Statutes or any rule promulgated under that chapter. Wis. Stat. § 457.26(2)(f) and (h), respectively.

The Division alleges that Respondent engaged in unprofessional conduct under Wis. Stat. § 457.26(f) and Wis. Admin. Code § MPSW 20.02(2) by failing to retain original documents showing attendance at programs for at least four years from the time that credit is claimed for the continuing education program as required by Wis. Admin. Code § MPSW 8.02(3).

Wisconsin Admin. Code § MPSW 20.02(2) defines “unprofessional conduct” to include “[v]iolating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential.” Wisconsin Admin. Code § MPSW 8.02(3), states: “Every credential holder shall retain original documents showing attendance at programs and completion of self-developed programs for at least 4 years from the time that credit is claimed for the continuing education program. At the request of the section, credential holders shall deliver their original documents to the section.”

As part of its 2013 audit, the Department contacted Respondent multiple times, requesting, on behalf of the Section, that she provide original documents showing completion of her continuing education requirements for the 2011-2013 biennium. Respondent did not provide any evidence of any completed continuing education, but instead indicated that she discarded evidence of her completed continuing education. As a result, she is in violation of Wis. Admin. Code § MPSW 8.02(3), which subjects her to discipline pursuant to Wis. Stat. § 457.26(2)(h) for violating a rule promulgated under Chapter 457 of the Wisconsin Statutes. This conduct also subjects Respondent to discipline for unprofessional conduct pursuant to Wis. Stat. § 457.26(f) and Wis. Admin. Code § MPSW 20.02(2).

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).

The Division recommends that Respondent's certificate to practice social work, including her right to renew her certificate, be suspended for an indefinite period. The Division asks that Respondent be permitted to petition the Section for reinstatement of her credential (and the right to renew), and that the Section, in its discretion, be permitted to grant or deny such a petition and, if granted, impose any limitations it deems appropriate to ensure Respondent will complete remedial social work education satisfactory to the Section.

I conclude this discipline is warranted. The purpose of the credential is to protect the public. *See Noesen v. State Dep't of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶ 15, 311 Wis. 2d 237, 751 N.W.2d 385. The conditions of Respondent's credential set forth in Chapter 457 of the Wisconsin Statutes and Chapter MPSW 8 of the Administrative Code include maintenance of current education in social work practice and ethics. Because Respondent has not complied with the Section's request for information regarding her continuing education obligations, instead indicating that she failed to maintain any evidence of completion, and because Respondent has refused to participate in these proceedings, the Section has no assurance that Respondent is in compliance with the education or ethical requirements governing her profession. Respondent's conduct leaves the ALJ and the Section without any basis to conclude that she continues to be fit to practice with safety to the public and deprives the ALJ and the Section of information that might demonstrate that some other disciplinary action is appropriate. Consequently, indefinite suspension of Respondent's credential best serves to protect the public, rehabilitate Respondent, and deter others from failing to cooperate with the Section's request for important information.

Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. The Division requests that Respondent be ordered to pay the full costs of this investigation and of these proceedings. The factors to be considered in assessing costs are: (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 respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz, D.C.*, Order No. LS0802183CHI (Aug. 14, 2008).

Under these criteria and the facts of this case, it is appropriate to impose the costs of these proceedings on Respondent. These proceedings were initiated due to Respondent's failure to provide information requested as part of the Department's audit regarding compliance with conditions governing credentials. Respondent's failure to provide this information, her failure to maintain documentation of her continuing education compliance as required by Wis. Admin. Code § MPSW 8.02(3), and her refusal to participate in the initial prehearing conference and the hearing in this matter demonstrate a disregard for Section's authority and the standards of her profession. Finally, it would be unfair to impose the costs of these proceedings on other members of Respondent's profession who, unlike Respondent, have not engaged in misconduct.

ORDER

For the reasons set forth above, IT IS ORDERED that:

Accordingly, IT IS HEREBY ORDERED:

1. Respondent's certificate to practice social work (number 4691-129) in the State of Wisconsin, and her right to renew this certificate, are SUSPENDED for an indefinite period.

2. Pursuant to Wis. Stat. § 457.04(1), Respondent may not practice as a social worker at any time during the period of suspension.

3. Respondent may petition the Section for re-instatement of the certificate and her right to renew the certificate. Whether to grant reinstatement shall be a decision solely in the Section's discretion. If the Section grants a petition to reinstate the certificate, the Section may place limitations on the certificate in the manner the Section deems appropriate to ensure that Respondent has or will complete remedial social work education satisfactory to the Section.

4. Respondent shall pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

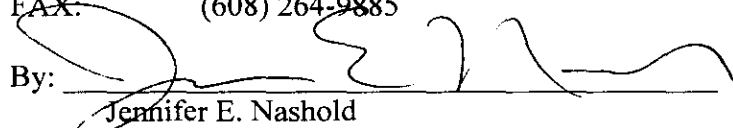
5. The terms of this Order are effective the date the Final Decision and Order is signed by the Section.

IT IS FURTHER ORDERED that the above-captioned matter is hereby closed as to Respondent Denise M. Wolodko.

Dated at Madison, Wisconsin on July 2, 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