

## 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JENNIFER WENGER,  
RESPONDENT.

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FINAL DECISION AND ORDER

0004837

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Division of Legal Services and Compliance Case No. 15 SOC 075

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

Jennifer Wenger  
67 Cumberlynn Drive  
Fond du Lac, WI 54935

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 Jennifer Wenger, DOB March 14, 1986, is certified in the state of Wisconsin to practice social work, having certificate number 11137-120, first issued on June 13, 2012 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 67 Cumberlynn Drive, Fond du Lac, Wisconsin 54935.

2. At all times relevant to this proceeding, Respondent was employed as a program director at a community based residential facility (CBRF), located in Fond du Lac, Wisconsin.

3. Respondent and the CBRF provided contracted services to Client A, who was a Department of Corrections client.

4. Between May and September 2015, Respondent repeatedly had sexual contact with Client A, in Respondent's office, in Client A's bedroom in the CBRF and in various locations in the community.

5. In September of 2015, Respondent ended the sexual relationship with Client A; the end of the relationship had serious negative effects on Client A's mental health.

6. On December 29, 2015, Client A was admitted to a behavioral health hospital for suicidal thoughts and chemical dependency issues.

7. Sometime between December and January 4, 2016, Respondent contacted Client A and the two engaged in sexual conduct.

8. When Respondent engaged in sexual conduct with Client A, Respondent was aware of the ethical scope of professional boundaries and provided training on the topic to other social workers and staff.

9. Respondent has, upon her own initiative, obtained and continued mental health treatment. She has not practiced social work since January 12, 2016.

10. In resolution of this matter, Respondent denies any wrong-doing but 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, Jennifer Wegner, engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(11), by engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive. For purposes of this rule, a person shall continue to be a client for 2 years after the termination of professional services.

3. By the conduct described in the Findings of Fact, Jennifer Wegner, engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid relationships that may impair the credentialed person's objectivity or create a conflict of interest.

4. As a result of the above violations, Jennifer Wegner is subject to discipline pursuant to Wis. Stat. § 457.26(2)(h).

ORDER

1. The attached Stipulation is accepted.
2. The certificate of Jennifer Wegner (certificate number 11137-120), to practice social work in the state of Wisconsin is **SUSPENDED** for at least one (1) year from the date of this Order.
3. During the time Respondent's certificate to practice social work is suspended in the state of Wisconsin, Respondent shall refrain from engaging in the practice of social work under any title or credential.
4. After at least one (1) year from the date of this Order, Respondent may petition the Section to terminate the suspension upon presenting proof satisfactory to the Section of the following:
  - a. Respondent has paid the Division's costs in investigating this matter.
  - b. Within the three months immediately preceding the petition to terminate the suspension, Respondent shall have undergone a fitness to practice examination, as follows:
    - i. Respondent shall have, at her own expense, undergone a fitness to practice evaluation with a pre-approved psychiatrist or psychologist experienced in evaluating social workers' fitness for duty:
    - ii. The provider performing the evaluation must not have treated Respondent and shall have been approved by the Board or its designee, with the opportunity for the Division of Legal Services and Compliance to make its recommendation, prior to the evaluation being performed; and
    - iii. Within fifteen (15) days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether Respondent suffers from any condition(s) that may interfere with his or her ability to practice safely and, if so, shall provide any recommended limitations for safe practice.
    - iv. Prior to evaluation, Respondent shall provide a copy of this Final Decision and Order to the health care provider.
    - v. Respondent shall execute necessary documents authorizing the Division to obtain records of evaluation, and to discuss Respondent

and her case with the evaluator. Respondent shall execute all releases necessary to permit disclosure of the final evaluation report to the Board or its designee. Certified copies of the final evaluation report shall be admissible in any future proceeding before the Board.

- vi. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
- vii. Respondent shall comply with any and all reasonable requests by the evaluator for purposes of scheduling and completing the evaluation, including additional testing the examiner deems helpful. Any lack of reasonable and timely cooperation, as determined by the examiner, may constitute a violation of an order of the Board.
- viii. Respondent is responsible for timely payment of the costs of the examination. Payment shall be made directly to the evaluator.
- ix. Respondent must provide proof sufficient to convince the Board that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- x. If the Board determines that Respondent is fit to practice, the Board may nonetheless limit Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the assessment, including, but not limited to:
  - 1. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board by the therapist.
  - 2. Additional professional education in any identified areas of deficiency.
  - 3. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- c. The suspension shall be terminated if the fitness to practice evaluation indicates to the satisfaction of the Section or its designee that Respondent does not then suffer from any illness or condition that renders her unable or unwilling to safely and reliably engage in the practice of social work.

- d. Upon reviewing the report of the fitness to practice evaluation, if the Section decides to terminate the suspension, the Section may impose whatever conditions the Section or its designee deems necessary to require Respondent to comply with recommendations of the evaluator.

5. Before the Section or its designee will consider any petition to terminate the suspension of Respondent's certificate, Respondent shall first pay COSTS of this matter in the amount of \$710.00.

6. Requests for preapproval of the fitness to practice evaluator, reports from the fitness to practice evaluator, petition(s) for termination of the suspension 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

6. 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.

7. 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

7/27/16  
Date

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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JENNIFER WENGER,  
RESPONDENT.

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STIPULATION

0004837

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Division of Legal Services and Compliance Case No. 15 SOC 075

Respondent Jennifer Wenger 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. Respondent is represented by Attorney Jamie Lavora.

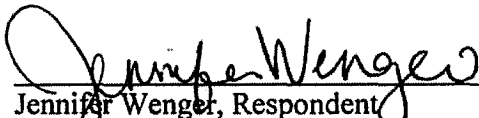
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision 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.

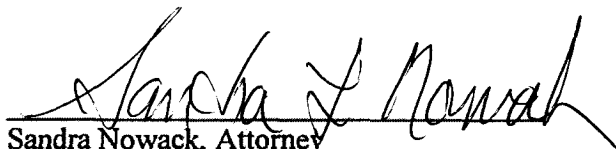
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

  
Jennifer Wenger, Respondent  
67 Cumberlandlynn Drive  
Fond du Lac, WI 54935  
License no. 11137-120

5-24-16  
Date

  
Jamie Lavora, Attorney for Respondent  
Kim B. Lavoy, S.C.  
2505 North 124<sup>th</sup> Street, Suite 220  
Brookfield, WI 53005

5-24-16  
Date

  
Sandra Nowack, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

5/26/16  
Date