

## 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

MICHAEL W. NOLL, L.P.C.  
RESPONDENT.

FINAL DECISION AND ORDER

0004991

Division of Legal Services and Compliance Case No. 15 CPC 022

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

Michael W. Noll, L.P.C.  
213 Spruce St.  
Neenah, WI 54956

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 Michael W. Noll, L.P.C., (dob November 7, 1970) is licensed in the state of Wisconsin to practice professional counseling, having license number 5752-125, first granted on August 10, 2015, and current through February 28, 2017. Respondent is also has a professional counselor training license, number 1622-226, first granted on December 27, 2012, and current through December 27, 2016.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 213 Spruce Street, Neenah, Wisconsin 54956.
3. At all times relevant to this proceeding, Respondent was employed by a counseling service which contracts with a county jail for counseling services.
4. On July 9, 2015, jail staff found a note outside by the staff break area.
5. The note contained the following message:

"Please order munchies, quick pack, complete meal. As soon as possible because I don't know what day canteen is in A-pod. Thank you. Also, let me know about the ride on 13<sup>th</sup> of September at 4:30a if this is a possibility. If you could get me a pic of Marie. I know I am needy as [explicative]. Also, Michael numbers just aren't adding up. Don't make sense that the three that added up to \$90 after tax was 133 or whatever."
6. Jail supervisors conducted an internal investigation to determine who wrote the note and to whom it was written.
7. The investigation revealed that the note was written by Inmate A to Respondent.
8. Inmate A attends group counseling sessions conducted by Respondent.
9. Inmate A admitted to jail supervisors that he wrote the note to Respondent because Respondent orders commissary items for him. Inmate A also stated that Respondent has access to Inmate A's bank account which Respondent uses to reimburse himself after purchasing commissary items for Inmate A.
10. When asked how he lets Respondent know what to purchase, Inmate A stated that he tells him during the group counseling sessions.
11. Jail supervisors were able to determine that Respondent was the sender and/or purchaser of commissary items for Inmate A on thirteen (13) occasions.
12. On July 9, 2016, Respondent was interviewed by jail supervisors.
13. Respondent initially denied purchasing commissary items for Inmate A. However, after being confronted with the evidence, Respondent admitted to purchasing the items for Inmate A.
14. Respondent also admitted to having access to Inmate A's bank account.
15. Respondent classified his relationship with Inmate A as more of a "friend/therapist" relationship.
16. Jail supervisors did not find any evidence that Respondent brought in unauthorized items for Inmate A or other inmates or purchased commissary for other inmates.

17. Respondent's jail security clearance was revoked and Respondent resigned his employment.

18. On March 23, 2016, Respondent, in an interview with a Department investigator, admitted that he purchased commissary items for Inmate A. Respondent also admitted that on one occasion, he used his access to Inmate A's bank account to transfer money to himself that was owed to him by Inmate A for private counseling sessions without Inmate A's express instructions to do so.

19. 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, Michael W. Noll, L.P.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid dual relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. As a result of the above violations, Michael W. Noll, L.P.C., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

#### ORDER

1. The attached Stipulation is accepted.

2. The licenses to practice professional counseling in the state of Wisconsin issued to Michael W. Noll, L.P.C., (license numbers 5752-125 and 1622-226) are **SUSPENDED** for fourteen (14) days beginning November 1, 2016.

3. The licenses to practice professional counseling in the state of Wisconsin issued to Michael W. Noll, L.P.C., (license numbers 5752-125 and 1622-226) are **LIMITED** as follows:

- a. Within ninety (90) days from November 1, 2016, Respondent shall successfully complete four (4) hours of education on the topic of ethics and four (4) hours of education on the topic of boundaries 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.

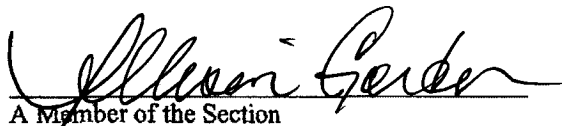
- c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Section or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - d. This limitation shall be removed from Respondent's license after satisfying the Section or its designee that Respondent has successfully completed all the ordered education.
4. Within 120 days from November 1, 2016, Respondent shall pay COSTS of this matter in the amount of \$1,325.00.
5. Request for approval of courses, proof of successful course completion 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](mailto: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. In the event Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's licenses (nos. 5752-125 and 1622-226) may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and has submitted proof of successful completion of the ordered education.

7. 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:  10.24.16  
A Member of the Section 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

MICHAEL W. NOLL, L.P.C.,  
RESPONDENT.

STIPULATION

0004991

Division of Legal Services and Compliance Case No. 15 CPC 022

Respondent Michael W. Noll, 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. Respondent  
is represented by Eric Monson.
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

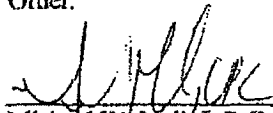
or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

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.

  
\_\_\_\_\_  
Michael W. Noll, L.P.C., Respondent  
213 Spruce St.  
Neenah, WI 54956  
License nos. 5752-125 and 1622-226

10/13/16  
Date

  
\_\_\_\_\_  
Erik Monson, Attorney for Respondent  
Coyne Schultz Becker & Bauer SC  
150 E. Gilman St., Ste. 1000  
Madison, WI 53703

10/13/16  
Date

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

10/13/16  
Date