

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION

IN THE MATTER OF APPLICATION FOR
A SOCIAL WORKER

KERRY MARLEY
APPLICANT

:
:
: ORDER GRANTING
: LIMITED CERTIFICATE
:

0004992

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

KERRY MARLEY
1109A S. 109TH ST.
WEST ALLIS, WI 53214

SOCIAL WORKER SECTION
1400 EAST WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WI 53708-8935

FINDINGS OF FACT

1. KERRY MARLEY (Applicant) has filed an application (#541101) for a credential to practice as a social worker in Wisconsin.
2. Information received in the application process reflects that the Applicant has the following convictions:
 - a. On or about December 6, 2006 – Homicide by Intoxicated Use of Vehicle, a Class D Felony
 - b. On or about December 6, 2006 – Homicide by Intoxicated Use of Vehicle, a Class D Felony
 - i. Applicant served her term of incarceration and was released to extended supervision on or around December 19, 2012.
 - ii. Applicant is currently under a term of extended supervision and has an anticipated discharge date of February 2025.
3. Information received in the application process reflects that the applicant was diagnosed with Post Traumatic Stress Disorder after the motor vehicle incident underlying the above listed convictions.
4. The facts and circumstances of the convictions and diagnosis referenced above have raised concerns with the Section regarding the applicant's ability to work as a social worker as defined in Wis. Stat. § 457.01(9).

5. On March 11, 2016, Applicant underwent a fitness for Practice assessment and Psychological evaluation. The report concluded Applicant is not experiencing any psychological symptoms or maladaptive characteristics at this time.
6. The evaluation recommendations for the applicant involve "continuing with her current self-care plan involving awareness, mindfulness, exercise, yoga, Healing Touch, aromatherapy, discussions with her retired therapist and friend, Mary Hunter, and should seek psychotherapy if she experiences distress that exceeds her current coping strategies."

CONCLUSIONS OF LAW

1. The Section has jurisdiction over this matter pursuant to Wis. Stat. § 457.08 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

ORDER

NOW, THEREFORE, IT IS ORDERED that KERRY MARLEY is GRANTED A SOCIAL WORKER CERTIFICATE subject to the following LIMITATIONS, TERMS AND CONDITIONS:

CONDITIONS AND LIMITATIONS

Practice Limitations

1. Applicant shall notify her employer of her history of convictions prior to employment, and shall provide a copy of this Order to her supervisor at all business entities where she works as a social worker.
2. Applicant shall comply with all terms and conditions of her extended supervision.

Reporting Requirements

3. Applicant shall commit no new violations of law, and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any conviction resulting from any pending charge(s).
4. Applicant shall file with the Section quarterly reports at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
 - a. The name, address and telephone number of the Applicant, and name, address and telephone number of her employer;
 - b. A statement from the Applicant as to whether she has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI and municipal/ordinance violations) during the term of the Order.
 - c. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

5. Applicant shall arrange for written reports from her supervisor(s) to be provided to Department Monitor on a quarterly basis. These reports shall assess Applicant's work performance and describe the circumstances of her employment.
6. Applicant shall make arrangements for the submission of quarterly reports from her probation/parole agent outlining Applicant's status and participation in extended supervision, and shall further arrange to have her probation/parole agent notify the Department Monitor immediately of any violation of extended supervision. Applicant shall provide the Department with current releases complying with state and federal laws, authorizing release and access to her Department of Correction records.
7. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order.
8. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dspsmonitoring@wi.gov

Petitions for Modification

9. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Section. Applicant's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for modification shall not be deemed a denial of a credential under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

Costs

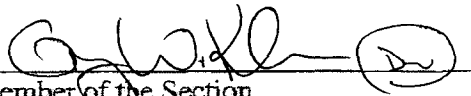
10. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Summary Suspension/Additional Discipline

11. In the event that Applicant violates any term of this Order, Applicant's certificate may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Section may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 25 day of October, 2016

WISCONSIN SOCIAL WORKER SECTION

By: 
A Member of the Section

STATE OF WISCONSIN
BEFORE THE SOCIAL WORKER SECTION

IN THE MATTER OF APPLICATION FOR
A SOCIAL WORKER CERTIFICATE

KERRY MARLEY
APPLICANT

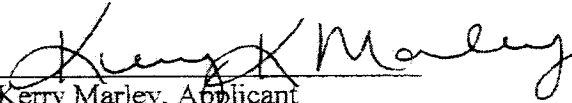
STIPULATION

0004992

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Social Worker Section as follows:

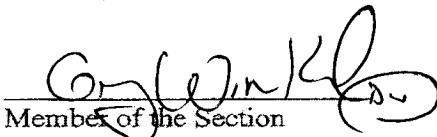
The Applicant has filed an application for a Social Worker Certificate. Information received by the Section has raised concerns about this applicant's ability to practice social work. Based upon the information of record, the Section agrees to issue and the Applicant agrees to accept a Limited Certificate as a social worker subject to the terms and conditions set forth in the attached Order.

Dated this 21 day of October, 2014


Kerry Marley, Applicant

STATE OF WISCONSIN
SOCIAL WORKER SECTION

Dated this 25 day of October, 2016

By: 
Member of the Section