

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
GERALD M. ROHERTY, L.C.S.W., :
RESPONDENT. :

0005136

Division of Legal Services and Compliance Case No. 15 SOC 004

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

Gerald M. Roherty, L.C.S.W.
611 North St.
West Bend, WI 53090

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 Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Gerald M. Roherty, L.C.S.W., DOB August 14, 1965, is licensed in the state of Wisconsin to practice social work, having license number 245-123, first issued on August 3, 1993 and current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 611 North Street, West Bend, Wisconsin 53090.

2. Respondent is also licensed to practice psychology in the state of Wisconsin, having license number 2435-57, first issued on February 13, 2003 and current through September 30, 2017. Respondent's conduct as described below is the same conduct at issue in Wisconsin Psychology Examining Board case number 15 PSY 005.

3. At all times relevant to this matter Respondent was employed as a lecturer at University A and as a psychotherapist in private practice.

4. Patient A was a twenty-year-old female student at University A. Beginning in March 2014, Respondent began providing treatment to Patient A while Patient A was a student in Respondent's class.

5. Respondent continued to provide treatment to Patient A until January 2015.

6. While he provided treatment to Patient A, Respondent exchanged text messages to Patient A that were outside the scope of professional psychotherapy.

7. Respondent maintained that Patient A's family acted in bad faith when they reported his relationship with Patient A to University A's administration.

8. These allegations have not been proven in a contested hearing. Respondent denies any wrong-doing. In resolution of this matter, and to avoid the expense and uncertainty of litigation, 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).

ORDER


1. The attached Stipulation is accepted.

2. The VOLUNTARY PERMANENT SURRENDER of the license to practice social work in the state of Wisconsin issued to Respondent Gerald M. Roherty, L.C.S.W., license number 245-123, is accepted.

3. This surrender constitutes Respondent's permanent relinquishment of his license to practice social work in the state of Wisconsin.

4. 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:  (DW)
A Member of the Section

Date 1/24/17

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

GERALD M. ROHERTY, L.C.S.W.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0005136

Division of Legal Services and Compliance Case No. 15 SOC 004

Respondent Gerald M. Roherty, L.C.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.

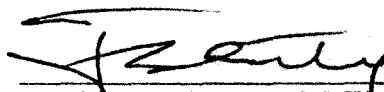
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Final Decision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

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.

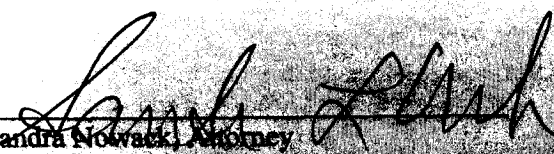
8. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Gerald M. Roherty, L.C.S.W., Respondent
611 North St.
West Bend, WI 53090
License no. 245-123

12/15/16

Date



Sandra Nowacki, Attorney
State Bar no. 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7198
Madison, WI 53707
Tel: (608) 261-2000
Fax: (608) 261-2001

12/16/16

Date