

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

BRIAN R. MESSMAN, L.P.C.,
RESPONDENT.

:
:
:
:
:

INTERIM ORDER

0005181

Division of Legal Services and Compliance Case No. 16 CPC 025

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

Brian R. Messman, L.P.C.
100 Corrina Blvd., Apt. 337
Waukesha, WI 53186

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 while the investigation is pending, 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 Brian R. Messman, L.P.C., (dob June 18, 1976) is licensed in the state of Wisconsin to practice professional counseling, having license number 4158-125, first granted on January 22, 2009 and current through February 28, 2017. Respondent's most recent

address on file with the Wisconsin Department of Safety and Professional Services (Department) is 100 Corrina Boulevard, Apartment 337, Waukesha, Wisconsin 53186.

2. Upon information and belief, Respondent's current address is 639 Constitution Lane, De Forest, Wisconsin 53532.

3. At all times relevant to this proceeding, Respondent was employed as a professional counselor at an agency located in Waukesha, Wisconsin.

4. On July 6, 2016, Respondent, in Waukesha County Circuit Court case number 16CF823, was charged with ten (10) counts of possession of child pornography, in violation of Wis. Stat. § 948.12(1m), a felony.

5. Respondent has not been convicted of the above charges and the case is currently pending. Respondent is presumed innocent of these charges.

6. The Department's investigation of this matter is still pending, and Respondent has not been found to have committed any unprofessional conduct.

7. 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).

ORDER

1. The attached Stipulation is accepted.


2. The license to practice professional counseling issued to Brian R. Messman, L.P.C., (license number 4158-125) is LIMITED as follows: Respondent shall not provide professional counseling, with or without supervision, to any person under the age of eighteen (18) until this case (16 CPC 025) is resolved by a Final Decision and Order or informal closure or until otherwise ordered by the Section.

3. 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 or other discipline for a violation of any of the terms of this Order.

4. 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:


A Member of the Section

2 | 13 | 17
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	:	
	:	STIPULATION
BRIAN R. MESSMAN, L.P.C.,	:	
RESPONDENT.	:	0005181

Division of Legal Services and Compliance Case No. 16 CPC 025

Respondent Brian R. Messman, 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 terms of the Interim Order by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights as to the Interim Order only:
 - 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. Entering into this stipulation does not constitute a waiver of the above-referenced rights in any other proceeding.
4. 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 Erika Bierma.
5. Respondent agrees to the adoption of the attached Interim Order by the Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional

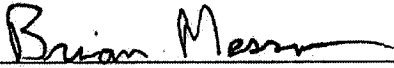
Counseling and Social Work Examining Board (Section). The parties to the Stipulation consent to the entry of the attached Interim Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's order, if adopted in the form as attached.

6. 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 interim resolution.

7. 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 Interim Order.

8. Respondent is informed that should the Section adopt this Stipulation, the Section's Interim Order is a public record and will be published in accordance with standard Department procedure.


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



Brian R. Messman, L.P.C., Respondent
639 Constitution Lane
De Forest, Wisconsin 53532
License no. 4158-125

11/8/16


Date



Erika Bierma, Attorney for Respondent
Stafford Rosenbaum, LLP
222 W. Washington Ave., Ste. 900
Madison, WI 53701-1784

11/16/16

Date



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

11/16/16

Date