

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MELINDA F. WEAVER, :
RESPONDENT. : **0005259**

Division of Legal Services and Compliance Case No. 17 RSA 006

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

Melinda F. Weaver
240 9th St. South, #3
Park Falls, WI 54552

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Melinda F. Weaver, DOB November 13, 1974, is certified in the state of Wisconsin as a substance abuse counselor in-training, having certificate number 17687-130, first issued on January 7, 2016. This certificate expired on February 28, 2017, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until February 27, 2022. Respondent's most recent address on file with the Department is 240 9th Street South, #3, Park Falls, Wisconsin 54552.

2. At all times relevant to this proceeding, Patient A is considered Respondent's Patient as the alleged contact occurred within two years of Respondent having provided substance abuse counseling to him. Respondent provided services to Patient A while he was incarcerated by the Department of Corrections (DOC).

3. Respondent's primary responsibility during her employment was to facilitate Alcohol and Other Drug Abuse groups. Respondent would sometimes have one-on-one meetings with group members.

4. On December 14, 2016, Respondent's employment was terminated for failing to disclose to DOC management that her husband was an inmate housed within the Wisconsin prison system.

5. On December 15, 2016, Patient A, an inmate in one of Respondent's AODA groups, made a phone call to his mother asking her to look up Respondent on the internet, to get her contact information, and to let Respondent know "to be strong. If you have a phone number that [he] can reach you or whatever keep your head up and stay strong."

6. Later that day, Patient A made a phone call to his cousin and asked him to get the same information about Respondent. Patient A's cousin also provided him with Respondent's telephone number.

7. Patient A made another phone call to his mother who informed him that Patient A's cousin sent a message to, and called Respondent, but she did not respond.

8. On December 17, 2016, DOC staff intercepted a letter written to Patient A. The letter was postmarked December 15, 2016, with a return address from "L.G." in Phillips, Wisconsin.

9. The letter said:

I am reaching out with the sole purpose of reassuring you that nothing has changed, all is as it was, you are my king and I your queen. I am dying without you. My fierce lion, my king, my soul, husband of my heart, I only want you to be alright. I will literally be heart sick until I receive a return letter from you reassuring me that we are ok. Now, I will address the last communication. 1st I already know the 'weekend song I feel it coming' and the moment I heard it I knew it was all about me and you. I forgot to thank you for the pic, I am so, so, so grateful to have it. Now, on the bright side, you don't have to rage over [explicative] hissing behind my back. I am 100% into you, remember how closely he watched me, he saw me gaze lovingly, adoringly at you a number of times.

10. The letter contained a phone number and requested that Patient A call. The number was determined to be Respondent's phone number.

11. On December 19, 2016, Respondent received a call from Patient A. During the conversation, both expressed how happy they were to hear each other's voice. Respondent informed Patient A that she sent his mother a "bunch of information." Respondent and Patient A expressed their love for each other.

12. An investigation into Respondent's conduct revealed that Respondent and Patient A engaged in sexually explicit conversations on the telephone and their letters contained sexually explicit language. Respondent also sent several partially nude photos of herself to Patient A.

13. On February 1, 2017, Respondent, during an interview with DOC investigators, denied having any sexual contact with Patient A during her employment.

14. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, 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, Melinda F. Weaver, engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(i), by engaging in false, fraudulent, misleading or deceptive behavior associated with the practice as a substance abuse professional.

3. By the conduct described in the Findings of Fact, Melinda F. Weaver, engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(m), by "engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For purposes of this section, an adult continues to be a patient for two (2) years after termination of services,"

4. By the conduct described in the Findings of Fact, Melinda F. Weaver, engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(n), by failing to avoid dual relationships or relationships that may impair the substance abuse professional's objectivity or create a conflict of interest.

5. As a result of the violations noted in the Conclusions of Law, Respondent Melinda F. Weaver is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the certificate to practice as a substance abuse counselor in-training in the state of Wisconsin issued to Melinda F. Weaver (certificate no. 17687-130) is accepted.

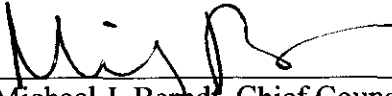
3. After one (1) year, with a favorable recommendation from a mental health care provider who has examined Respondent no more than three (3) months earlier, Respondent may petition for reinstatement of her credential.

4. In the event Respondent petitions the Department for reinstatement of her certificate to practice as a substance abuse professional in the state of Wisconsin, the Department may enter an order denying such petition without further notice or hearing. Whether to grant a credential and whether to impose any limitations or restrictions on any credential shall be in the discretion of the Department.

5. In the event Respondent petitions the Department for reinstatement of her certificate to practice substance abuse counseling in the state of Wisconsin or applies for another credential with this Department, Respondent shall pay the costs of this matter in the amount of \$616.00.

6. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Counsel
On Behalf of the Department

4 | 10 | 17
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MELINDA F. WEAVER,
RESPONDENT.

:
:
: STIPULATION
:
:

0005259

Division of Legal Services and Compliance Case No. 17 RSA 006

Respondent Melinda F. Weaver 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 Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department'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 that the Department adopt this Stipulation and issue the attached Final Decision and Order.

Melinda F. Weaver
Melinda F. Weaver, Respondent
2409th St. South, #3
Park Falls, WI 54552
Certificate no. 17687-130

4-7-17
Date

p.p. Sandra L. Nowack
Sandra L. Nowack, Attorney
State Bar No. 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
Fax (608) 266-2264
sandra.nowack@wisconsin.gov

4-7-17
Date