

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 :
 : FINAL DECISION AND ORDER
THOMAS C. MARX, L.P.C., C.S.A.C., :
RESPONDENT. :

0005534

Division of Legal Services and Compliance Case No. 16 CPC 040

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

Thomas C. Marx, L.P.C., C.S.A.C.
1619 Ward Ave., Apt. 5
Hudson, WI 54016

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 Thomas C. Marx, L.P.C., C.S.A.C., (DOB July 19, 1963) is licensed in the state of Wisconsin to practice professional counseling, having license number 5330-125, first issued on April 21, 2014, and current through February 28, 2019. Respondent's most recent

address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1619 Ward Avenue, Apartment 5, Hudson, Wisconsin 54016.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a counseling service, located in Oshkosh, Wisconsin.

3. On August 25, 2016, Respondent arrived at work to conduct a group counseling session.

4. The previous week, Respondent was in Colorado for training. Before he left, he was informed that two clients of the group would be removed for borrowing money from one another.

5. When Respondent arrived on August 25, 2016, the clients had not been removed from the group.

6. Respondent became upset and asked a third client (Client C) if she could help another client. Client C refused and had an attitude towards Respondent.

7. Respondent opened the door and told Client C to leave the group, using profanity, and slammed the door behind her so hard that the door popped back open.

8. Respondent reported the incident to his supervisor immediately after the group session.

9. Two clients in the group session reported to the supervisor that their Post-Traumatic Stress Disorder (PTSD) was triggered by the incident.

10. During interviews with all of the clients in the group session on the date of the incident, the supervisor discovered two other incidents involving Respondent's use of profanities that had gone unreported.

11. 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, Thomas C. Marx, L.P.C., C.S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(22), by committing gross negligence in practice in a single instance, or negligence in practice in more than one instance.

3. As a result of the above violations, Thomas C. Marx, L.P.C., C.S.A.C., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and Wis. Stat. § 457.26(2)(g).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Thomas C. Marx, L.P.C., C.S.A.C., is REPRIMANDED.
3. The license to practice professional counseling issued to Thomas C. Marx, L.P.C., C.S.A.C., (license number 5330-125) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete eight (8) hours of education on the topic of client management and eight (8) hours of education on the topic of stress and/or anger management 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 ninety (90) days from the date of this Order, Thomas C. Marx, L.P.C., C.S.A.C., shall pay COSTS of this matter in the amount of \$325.78.
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

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 5330-125) to practice professional counseling in the state of Wisconsin may, in the

discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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.

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: Tammy H. Scheidegger
A Member of the Section

12/5/17
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

THOMAS C. MARX, L.P.C., C.S.A.C.,
RESPONDENT.

STIPULATION

0005534

Division of Legal Services and Compliance Case No. 16 CPC 040

Respondent Thomas C. Marx, L.P.C., C.S.A.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.

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.



Thomas C. Marx, L.P.C., C.S.A.C., Respondent
 1619 Ward Ave., Apt. 5
 Hudson, WI 54016
 License no. 5330-125



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

Date	11-20-17
Date	11/21/17