

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

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

:  
:  
: FINAL DECISION AND ORDER  
:  
:

0005538

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Division of Legal Services and Compliance Case No. 16 RSA 039

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

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

Division of Legal Services and Compliance  
Wisconsin 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 Thomas C. Marx, L.P.C., C.S.A.C., (DOB July 19, 1963) is certified in the state of Wisconsin to practice clinical substance abuse counseling, having certification number 15921-132, first issued on April 21, 2015, and current through February 28, 2019. Respondent was previously certified in the state of Wisconsin to practice substance abuse counseling, having certification number 15828-131, granted on May 24, 2013, and expired on February 28, 2017. Respondent's most recent address on file with the Department is 1619 Ward Avenue, Apartment 5, Hudson, Wisconsin 54016.

2. At all times relevant to this proceeding, Respondent was employed as a substance abuse 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 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, Thomas C. Marx, L.P.C., C.S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(v), by engaging in a single act of gross negligence or in a pattern of negligence as a substance abuse professional.

3. As a result of the violations noted in the Conclusions of Law, Respondent Thomas C. Marx, L.P.C., C.S.A.C., is subject to discipline pursuant to Wis. Stat. § 440.88(6).

## ORDER

1. The attached Stipulation is accepted.
2. Respondent Thomas C. Marx, L.P.C., C.S.A.C., is REPRIMANDED.
3. The certificate to practice as a substance abuse counselor issued to Thomas C. Marx, L.P.C., C.S.A.C., (certificate no. 15921-132) is limited as follows:
  - a. Respondent Thomas C. Marx, L.P.C., C.S.A.C., shall fully comply with the term and conditions in the Final Decision and Order issued in DLSC case number 16 CPC 040.
  - b. This limitation shall be removed from Respondent's certificate after satisfying the Department that Respondent has successfully complied with the limitations in the Final Decision and Order issued in DLSC case number 16 CPC 040.
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 \$274.24.
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](mailto:DSPSMonitoring@wisconsin.gov)

6. In the event that Respondent violates any term of this Order, Respondent's certificate (no. 15921-132) to practice substance abuse counseling in the state of Wisconsin may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer  
Aloysius Rohmeyer, ~~Interim~~ Chief Counsel  
On Behalf of the Department

12-8-2017  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

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

STIPULATION

0005538

Division of Legal Services and Compliance Case No. 16 RSA 039

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 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.

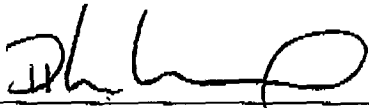
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

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.



Thomas C. Marx, L.P.C., C.S.A.C., Respondent  
1619 Ward Ave., Apt. 5  
Hudson, WI 54016  
Certificate no. 15921-132

11-20-17  
Date



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

11/21/17  
Date