

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
TIMOTHY F. PERRY, L.C.S.W., M.F.T.,	:	
RESPONDENT.	:	ORDER 0006483

Division of Legal Services and Compliance Case No. 17 SOC 042

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

Timothy F. Perry, L.C.S.W., M.F.T.
17 S. River St., Ste. 254
Janesville, WI 53548

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 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 Timothy F. Perry, L.C.S.W., M.F.T., (DOB January 7, 1964), is licensed in the state of Wisconsin to practice clinical social work, having license number 2467-123, first issued on April 4, 1994, and current through February 28, 2021. Respondent is also licensed in the state of Wisconsin to practice marriage and family therapy, having license number 301-124, first issued on August 1, 1994, and current through February 28, 2021. Respondent's

most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 17 South River Street, Suite 254, Janesville, Wisconsin 53548.

2. At all times relevant to this proceeding, Respondent was employed as therapist at a counseling center (Center), located in Janesville, Wisconsin.

3. Respondent is a recovering alcoholic who has been sober since July 5, 1988. Respondent continues to regularly attends Alcoholics Anonymous (AA) meetings and events.

4. Respondent was Client A's therapist from August 22, 2014, to October 16, 2017. Client A has also been an AA member since October 12, 2014.

5. Respondent was Client B's therapist from February 15, 2016, to October 6, 2016. Client B has also been an AA member for many years and has been sober for over twenty-five (25) years.

6. During the time frame at issue, Respondent regularly attended AA meetings at which Client A and/or Client B were sometimes present. On at least two occasions, Respondent participated in AA group social functions which were also attended by Client A and/or Client B, along with other members of the AA organization and non-AA members.

7. In April 2017, a group of people including Respondent, Client A, and Client B (as well as several other AA members, other non-AA members and members of Respondent's family) attended a dinner and concert in Milwaukee. Respondent drove to and from the event with his AA Sponsor and other attendees drove separately. Client A rode to the event with her AA Sponsor and her AA Sponsor's husband. After the event, members of the group discussed stopping for ice cream at a Janesville restaurant. Client A rode with Client B and another AA member to the restaurant for ice cream. Respondent drove to the restaurant with his sponsor in a separate vehicle. The members of the group who stopped for ice cream at the Janesville restaurant included Respondent, Respondent's AA Sponsor, Client A, Client B, and another AA member. After having ice cream, the individual members of the group drove separately to their respective homes in the Janesville area in separate vehicles.

8. Between July 7 and July 10, 2017, Respondent, Respondent's AA Sponsor, Client A, Client B, and another AA member attended a group weekend outing held at a property in Black River Falls owned by members of Respondent's family. Other current and former AA members were invited to attend this outing but did not do so. Activities during the weekend included canoeing, kayaking and fishing. The group stayed overnight at the property with the males, including Respondent and Respondent's AA Sponsor, sleeping in a bunk house and the females, including Client A, Client B and the other AA member, sleeping in the main house. Respondent and Respondent's AA Sponsor drove to and from the property separately from Client A, Client B and the other AA member.

9. At the time of the Milwaukee concert in April of 2017 and the group outing at Black River Falls in early July of 2017, Client A was a patient of Respondent. However, Client B was not a patient of Respondent at those times.

10. Starting in approximately late Spring 2017, Respondent and Client A discussed the fact that she was both Respondent's patient and a fellow member of AA who attended AA events, and that the circumstances raised the question of a possible dual relationship and the need to maintain appropriate boundaries in their association.

11. In approximately July 2017, Respondent consulted with two (2) colleagues at the Center regarding his relationship with Client A. At that time, Client A had recently lost her job of 20+ years, her best friend and AA Sponsor had abruptly resigned, and Client A was struggling to maintain sobriety. As a result, both colleagues suggested that it might be in Client A's best interest to not immediately discontinue therapy at that time in light of Client A's precarious emotional state, and that Respondent should probably refer Client A to a different therapist once she was more stable emotionally.

12. On August 31, 2017, Respondent's dual relationship with Client A was discussed with other Center clinicians at a Clinical Collaboration meeting. Other clinicians at the meeting agreed that it might be in Client A's best interest to not immediately discontinue therapy at that time in light of Client A's precarious emotional state, and that Respondent should probably refer Client A to a different therapist once she was more stable emotionally.

13. Respondent continued to provide therapy to Client A until October 16, 2017, at which time she was discharged as his patient.

14. Respondent claims that at no time did his association with Client A or Client B impair his objectivity or professional judgment regarding their treatment.

15. Both Client A and Client B provided written statements indicating that at no time did Respondent engage in sexual contact or any other inappropriate conduct with Client A or Client B and that they have never observed Respondent engaging in any sexual contact or any other inappropriate conduct with any other person.

16. Respondent has not previously been the subject of any disciplinary action by the Section in over thirty (30) years of professional practice.

17. In resolution of this matter, 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).

2. By the conduct described in the Findings of Fact, Timothy F. Perry, L.C.S.W., M.F.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(13), by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest.

3. As a result of the above violation, Timothy F. Perry, L.C.S.W., M.F.T., is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f) and (h).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Timothy F. Perry, L.C.S.W., M.F.T. is REPRIMANDED.
3. The license to practice clinical social work issued to Timothy F. Perry, L.C.S.W., M.F.T., (license number 2467-123) is LIMITED as follows:
 - a. Within one hundred eighty (180) days of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of dual relationships/boundaries and six (6) hours of education on the topic of professional ethics 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, Timothy F. Perry, L.C.S.W., M.F.T., shall pay COSTS of this matter in the amount of \$ 969.00.
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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

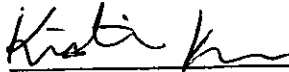
<https://app.wi.gov/DSPSMonitoring>

6. In the event that Respondent fails to timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 301-124) to practice marriage and family therapy 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 payment of costs and has submitted proof of successful completion of the ordered education as set forth above. 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.

SOCIAL WORKER SECTION OF THE WISCONSIN MARRIAGE AND FAMILY THERAPY,
PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

by:



A Member of the Section

10-15-19

Date

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

TIMOTHY F. PERRY, L.C.S.W., M.F.T.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006483

Division of Legal Services and Compliance Case No. 17 SOC 042

Respondent Timothy F. Perry, L.C.S.W., M.F.T., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

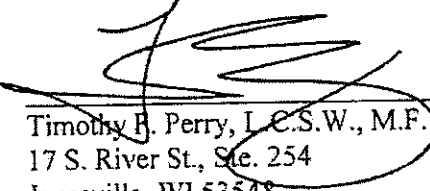
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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. Respondent is represented by Michael E. Grubb.
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 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.

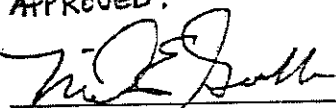
7. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

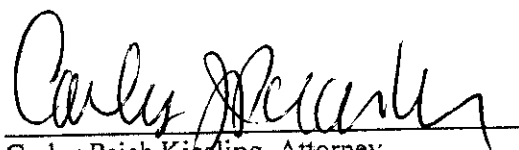

Timothy R. Perry, L.C.S.W., M.F.T., Respondent
17 S. River St., Ste. 254
Janesville, WI 53548
License no. 2467-123

8-13-19
Date

APPROVED:


Michael E. Grubb, Attorney for Respondent
Brennan Steil S.C.
One E. Milwaukee St.
Janesville, WI 53545

8-13-19
Date


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

8/13/19
Date