

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
ROBERT A. MILLER, L.P.C., S.A.C.,	:	
RESPONDENT.	:	ORDER 0006485

Division of Legal Services and Compliance Case No. 17 CPC 021

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

Robert A. Miller, L.P.C., S.A.C.
1052 Main St., Ste 202
Stevens Point, WI 54481-2848

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 Robert A. Miller, L.P.C., S.A.C., (DOB November 28, 1954) is licensed in the state of Wisconsin to practice professional counseling, having license number 3254-125, first issued on January 23, 2003, and current through February 28, 2021.¹ Respondent's most

¹ Respondent is certified in the state of Wisconsin to practice substance abuse counseling, having certification number 15193-131, first issued on November 9, 2006, and current through February 28, 2021.

recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1052 Main Street, Suite 202, Stevens Point, Wisconsin 54481-2848.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor at a Counseling Center, located in Stevens Point, Wisconsin.

3. Detective A, with the Stevens Point Police Department, received complaints regarding Respondent's which included: making inappropriate comments to clients, asking for the phone number of a client's marijuana dealer so he could buy some, allowing a patient to stay at his home, dating a patient, and viewing pornography on a work computer.

4. Detective A scheduled an interview with Respondent. In the interview, Respondent admitted he gets "too familiar too soon" with clients and was "flippant" with clients.

5. During the interview, Respondent acknowledged giving out his personal phone number to clients.

6. Respondent also admitted that he dated a female client, less than six (6) months after he began working with her.

7. In addition, Respondent admitted to viewing adult pornography on his work computer in the office.

8. 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, Robert A. Miller, L.P.C., S.A.C., engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(11), by engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive. For purposes of this rule, a person shall continue to be a client for two (2) years after the termination of professional services.

3. By the conduct described in the Findings of Fact, Robert A. Miller, L.P.C., S.A.C., 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.

ORDER

1. The attached Stipulation is accepted.

2. The license to practice professional counseling in the state of Wisconsin issued to Robert A. Miller, L.P.C., S.A.C., (license number 3254-125) is SUSPENDED for sixty (60) days from the date of this Order.

3. The license to practice professional counseling issued to Robert A. Miller, L.P.C., S.A.C., (license number 3254-125) is LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of boundaries and three (3) hours of education on the topic of 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, Robert A. Miller, L.P.C., S.A.C., shall pay COSTS of this matter in the amount of \$455.00.

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 them online via the Department's Monitoring Case Management System at

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

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 3254-125) 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. Scheidger
A Member of the Section

10/15/19
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

ROBERT A. MILLER, L.P.C., S.A.C.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006485

Division of Legal Services and Compliance Case No. 17 CPC 021

Respondent Robert A. Miller, L.P.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.

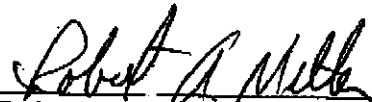
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional
Counseling and Social Work Examining Board (Section). The parties to the Stipulation consent
to the entry of the attached Final 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.



Robert A. Miller, L.P.C., S.A.C., Respondent
1052 Main St., Ste 202
Stevens Point, WI 54481-2848
License no. 3254-125

4/11/19
Date



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

4/10/19
Date