

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

PETER L. MAYO, L.P.C., C.S.A.C.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0007342**

Division of Legal Services and Compliance Case No. 20 CPC 056

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

Peter L. Mayo, L.P.C., C.S.A.C.
Oshkosh, WI 54904

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. Peter L. Mayo, L.P.C., C.S.A.C. (Respondent), (Year of Birth 1975) is licensed in the state of Wisconsin to practice professional counseling, having license number 3461-125, first issued on June 15, 2004, and current through February 28, 2023. Respondent is also certified as a clinical substance abuse counselor, having certificate number 15332-132, first issued on November 5, 2008, and current through February 28, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oshkosh, Wisconsin 54904.

2. At all times relevant to this proceeding, Respondent was employed as a professional counselor in private practice, in Oshkosh, Wisconsin.

3. Respondent provided therapy to a female patient (Patient A) on six occasions from November 23, 2019, through December 28, 2019.

4. On or about January 28, 2020, Patient A and Respondent engaged in sexual contact at Respondent's apartment. On or about January 29 or 30, 2020, Respondent and Patient A engaged in sexual intercourse at Respondent's apartment.

5. Beginning in mid-December 2019 through September 6, 2020, Respondent and Patient A spoke by cell phone on at least nine (9) occasions. During that same time period, Respondent called Patient's A's cell phone on approximately seven (7) occasions, in addition to the nine (9) cell phone conversations.

6. In January 2020, Respondent advised Patient A that he could lose his license as a result of their relationship.

7. Beginning in mid-December 2019 through September 6, 2020, Respondent discussed with Patient A his personal life and sexual activity and status that was not related to or germane to the patient/treater relationship.

8. Respondent's medical records contained false information concerning how the patient/treater relationship ended. In addition, Respondent's progress notes for each treatment session for Patient A were handwritten, consisted of only three brief sentences summarizing each treatment session, and most were not legible.

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

CONCLUSIONS OF LAW

1. The Section 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, Respondent 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(7), by reporting distorted, false, or misleading information or making false statements in practice.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(18), by failing to maintain adequate records.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2).

ORDER

1. The attached Stipulation is accepted.

2. The license issued to Respondent (license number 3461-125) to practice professional counseling in the state of Wisconsin, and Respondent's appurtenant right to renew such license is SUSPENDED for one (1) year retroactive to the effective date of the Department's Order in Division and Legal Services and Compliance (DLSC) case number 20 RSA 042 regarding his clinical substance abuse counselor certificate.

3. The license issue to Respondent (license number 3461-125) to practice professional counseling in the state of Wisconsin, and Respondent's appurtenant right to renew such license is LIMITED as follows:

- a. Respondent shall fully and satisfactorily comply with the terms of the Final Decision and Order issued in 20 RSA 042. The question of whether Respondent fully and satisfactorily complies with the terms of any Order issued in 20 RSA 042 is solely within the discretion of the Department and/or its designee.
- b. If the Evaluator who conducts the fitness for practice evaluation in Department Order for DLSC case number 20 RSA 042 determines that Respondent is not fit for practice or is fit for practice with limitations, the Section or its designee may suspend Respondent's license to practice professional counseling until Respondent provides proof sufficient to convince the Section or its designee that Respondent is able to practice with reasonable skill and safety of patients and the public and does not suffer from any condition which prevents Respondent from practicing in that manner.
- c. If the Evaluator determines that Respondent is fit for practice or is fit for practice with limitations, the Section or its designee may limit Respondent's license to practice professional counseling in a manner to address any concerns the Section or its designee has as a result of the conduct set out in the Findings of Fact and to address any recommendations resulting from the evaluation, including, but not limited to:
 1. Psychotherapy, at Respondent's expense, by a therapist approved by the Section or its designee, to address specific treatment goals, with quarterly reports to the Section or its designee by the therapist.
 2. Additional professional education in any identified areas of deficiency.

3. Restrictions on the nature of practice, practice setting, or requirements for supervision of practice by a professional approved by the Section or its designee, with periodic reports to the Section or its designee by the supervisor.
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,023.00.
5. Petitions, proof of satisfactory completion of the terms of any Order issued in 20 RSA 042, payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), and any other request related to this Order 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>

6. In the event that Respondent violates any term of this Order, Respondent's license to practice professional counseling in the state of Wisconsin (license no. 3461-125), and Respondent's appurtenant right to renew such license 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: Andria Lemon
A Member of the Section

20 April 2021
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

PETER L. MAYO, L.P.C., C.S.A.C.,
RESPONDENT.

STIPULATION

ORDER 0007342

Division of Legal Services and Compliance Case No. 20 CPC 056

Peter L. Mayo, L.P.C., C.S.A.C. (Respondent), 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 Professional Counselor Section of The 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, 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.



Peter L. Mayo, L.P.C., C.S.A.C., Respondent
Oshkosh, WI 54904
License No. 3461-125

4/16/21
Date



Gretchen Mrozinski, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/16/2021

Date