

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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3. At all times relevant to this incident, Respondent was employed as a substance abuse counselor-in-training at a comprehensive treatment center in Sheboygan, Wisconsin (Center).

4. Respondent provided substance abuse counseling services to a 38-year-old male patient (Patient A) from December 22, 2020, until he was discharged on June 10, 2021.

5. On July 26, 2021, Respondent abruptly quit her employment with the Center without notice.

6. The Center's investigation discovered that Respondent had been in a sexual relationship with Patient A, that she had married Patient A on June 29, 2021, and that she was pregnant with Patient A's child.

7. Respondent admits she married Patient A and is expecting his child. She maintains that their sexual relationship did not begin until after his discharge from the Center. However, entries in Patient A's chart made prior to and on the date of his discharge, respectively, state: "Pt reported [he] started a new relationship and is 'falling in love'" and "Pt talked about how [he] is happy to be out of the program and start his new life with his girlfriend and family."

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

CONCLUSIONS OF LAW

1. The Board 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. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(m) by engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For the purposes of this subsection, an adult shall continue to be a patient for 2 years after the termination of professional services.

3. Based on the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(n) by failing to avoid dual relationships or relationships that may impair the substance abuse professional's objectivity or create a conflict of interest.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. Respondent's certificate to practice as a substance abuse counselor-in-training (certificate number 18915-130) is SUSPENDED for one (1) year from the date of this Order.

3. Respondent's certificate to practice as a substance abuse counselor-in-training (certificate number 18915-130) is LIMITED as follows:

- a. Within six (6) months of the date of this Order, Respondent shall, at her own expense, successfully complete twelve (12) hours of education on the topic of ethics and professional boundaries offered by a provider pre-approved by the Department monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the 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 Department, and may not be used in future attempts to upgrade a credential in Wisconsin.
 - d. The Department monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - e. This limitation shall be removed from Respondent's certificate after satisfying the Department or its designee that Respondent has successfully completed all the ordered education.
4. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$268.00.
5. Requests for approval of courses, proof of successful course completion, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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 Respondent violates any term of this Order, Respondent's certificate (certificate number 18915-130), or Respondent's right to renew her certificate, 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: A. Rohmeyer 1/28/2022
Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KELLY C. DELEON, S.A.C.-I.T.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007785

Division of Legal Services and Compliance Case No. 21 RSA 034

Respondent Kelly C. DeLeon, S.A.C.-I.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.
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.

Kelly C. DeLeon (Sac - Jr)
Kelly C. DeLeon, S.A.C.-I.T., Respondent
Fond du Lac, WI 54935
Certificate No. 18915-130

12/01/2021
Date

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

12/09/2021
Date