

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**Before the  
State Of Wisconsin  
Department of Safety and Professional Services**

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In the Matter of a Petition for an Administrative  
Injunction Involving Amy Jo Timm, Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 00087 10**

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**Division of Legal Services and Compliance Case No. 22 UNL 087**

The State of Wisconsin, Department of Safety and Professional Services, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Safety and Professional Services.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 19th day of August, 2023.

*Aloysius Rohmeyer*

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Chief Legal Counsel  
Department of Safety and Professional Services



Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS

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IN THE MATTER OF A PETITION FOR AN  
ADMINISTRATIVE INJUNCTION INVOLVING

DHA Case No. SPS-23-0014  
DLSC Case No. 22 UNL 087

AMY JO TIMM,  
RESPONDENT.

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**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Amy Jo Timm  
107 South Oakland Avenue  
Green Bay, Wisconsin 54303

Department of Safety and Professional Services by:

Aloysius F. Rohmeyer  
Chief Legal Counsel  
Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

Department of Safety and Professional Services, Division of Legal Services and  
Compliance, by:

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

**PROCEDURAL HISTORY**

On March 9, 2023, the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a Petition for an Administrative Injunction (Petition) against Amy Jo Timm (Respondent). The Petition alleged that the

Respondent assumed the title of licensed clinical social worker (LCSW)<sup>1</sup> without authorization or the credential required by Wis. Stat. § 457.04(4).

The Respondent failed to file an answer to the Petition, as required by Wis. Admin. Code § SPS 3.08. On March 31, 2023, the undersigned administrative law judge (ALJ) scheduled a telephone prehearing conference for April 17, 2023, at 9:00 a.m. The Respondent failed to appear at the prehearing conference.

The Division moved for default based on the Respondent's failure to file an answer to the Petition and failure to appear at the prehearing conference, pursuant to Wis. Admin. Code § SPS 3.13. On April 28, 2023 the ALJ issued a Notice of Default. Consistent with the Notice of Default, the Division filed its recommended proposed decision and order in this matter on May 11, 2023.

### FINDINGS OF FACT

#### Facts Related to the Alleged Unauthorized Designation and Use of the LCSW Title

Findings of Facts 1-9 are set forth in the Division's Petition for an Administrative Injunction against the Respondent filed in this matter.

1. Respondent Amy Jo Timm is believed to reside at 107 South Oakland Avenue, Green Bay, Wisconsin 54303.
2. Respondent is not and never has been issued a credential in the state of Wisconsin to practice as a licensed clinical social worker.
3. At all times relevant to this proceeding, Respondent was the owner of Kismet Advocacy, LLC in Green Bay, Wisconsin.
4. Archived versions of Kismet Advocacy, LLC's website<sup>2</sup> from September 29, 2018<sup>3</sup> and July 13, 2022,<sup>4</sup> state, "Kismet Advocacy LLC was founded by [Respondent], LCSW..." in the footer section of the website.
5. On October 1, 2020, Respondent was featured in a Fox11 (WLUK) local news story,<sup>5</sup> stating "[Respondent] is also a clinical social worker and owner of Kismet Advocacy, a group to help those with high cognitive learning disabilities."

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<sup>1</sup> "LCSW" is the commonly accepted and standard abbreviation for "Licensed Clinical Social Worker."

<sup>2</sup> The website, <https://kismetadvocacyllc.org>, is no longer active and the page was accessed via internet archive.

<sup>3</sup> Available at: <https://web.archive.org/web/20180927132109/http://kismetadvocacyllc.org/>

<sup>4</sup> Available at: <https://web.archive.org/web/20220713221041/https://kismetadvocacyllc.org/>

<sup>5</sup> Available at: <https://fox11online.com/news/local/green-bay-school-staff-teachers-asked-to-work-from-home>

6. On August 25, 2022, the Green Bay Press-Gazette newspaper published a story<sup>6</sup> concerning the closure of Kismet Advocacy, LLC. Respondent is quoted as stating her social work license was revoked for “ethical violations.”

7. The (now defunct) Facebook business page for Kismet Advocacy, LLC listed Respondent as “LCSW Program Director.”

8. Several directory websites, such as OpenNPI and HIPPA Space, confirm that Respondent was the “Owner Service Coordinator” of Kismet Advocacy, LLC. The credential attributed to Respondent on these websites is “LCSW.”

9. On July 29, 2022, Respondent emailed the Department requesting an extension of time to respond to allegations of unlicensed activity. Her email signature included “LCSW” appended to her name. No further communication from Respondent was received.

#### Facts Related to Default

10. On March 9, 2023, the Division served the Notice of Hearing and Petition for an Administrative Injunction on the Respondent at her last known address by both certified and regular mail, consistent with Wis. Admin. Code § SPS 3.07. The Notice of Hearing informed the Respondent that she was required to file an Answer to the Petition within 20 days and appear for a prehearing conference, failing which she would be found to be in default and a special order could be entered against her enjoining her from the continued use of the title. The Respondent was further notified that violation of such special order may result in a forfeiture of not more than \$10,000 for each offense.

11. The Respondent failed to file an answer to the allegations in the Petition as required by Wis. Admin. Code § SPS 3.08.

12. Following the expiration of the 20-day period to file an answer, the ALJ scheduled a telephone prehearing conference for April 17, 2023. The ALJ mailed the Notice of this prehearing conference to both parties, and ordered that the Respondent contact the ALJ no later than April 16, 2023, to provide her current telephone number. The Notice stated, “The Respondent’s failure to appear at a scheduled conference or hearing may result in default judgment being entered against the Respondent.”

13. The Respondent failed to contact the ALJ by April 16, 2023 and failed to provide a telephone number at which she could be reached for the April 17, 2023 prehearing conference.

14. On April 17, 2023, the Respondent failed to appear at the prehearing conference. The Division provided two potential telephone numbers for the Respondent. The ALJ attempted to contact the Respondent at each number. One number was not in service. The ALJ left a voicemail message on the second number. The ALJ also attempted to email the Respondent, but

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<sup>6</sup> Available at: <https://www.greenbaypressgazette.com/story/money/2022/08/25/green-bay-kismet-closure-highlights-need-disability-services/10162003002/>

the message was undeliverable. The ALJ then left her telephone line open for fifteen minutes, consistent with Wis. Admin. Code § HA 1.07(3)(c). As of the date of the Notice of Default, the Respondent had not contacted the ALJ.

15. On April 17, 2023, the Division moved for default based on the Respondent's failure to answer the Petition and the Respondent's failure to appear for the prehearing conference pursuant to Wis. Admin. Code §§ SPS 3.13 and HA 1.07(3)(c).

16. On April 28, 2023, the ALJ issued a Notice of Default against the Respondent and ordered the Division to file and serve a recommended Proposed Decision and Order no later than May 17, 2023.

17. The Division timely filed its recommended Proposed Decision and Order.

### DISCUSSION AND CONCLUSIONS OF LAW

#### Jurisdictional Authority

The Department "may conduct investigations, hold hearings, and make findings as to whether a person has . . . used a title without a credential required under chs. 440 to 480," per Wis. Stat. § 440.21(1).

The Division of Hearings and Appeals has authority to issue the proposed decision and order pursuant to Wis. Stat. § 227.43(1m) and Wis. Admin. Code § SPS 3.09.

#### Default

The Division properly served the Petition for Administrative Injunction and Notice of Hearing on the Respondent by mailing copies to her at her last known address. Wis. Stat. § 440.11(2). Service is complete upon mailing. Wis. Admin. Code § SPS 3.07(1). "If the respondent fails to answer as required by s. SPS 3.08 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the department may make findings and enter an order on the basis of the petition and other evidence. Wis. Admin. Code § SPS 3.13; *see also* Wis. Admin. Code § HA 1.07(3)(b) ("If a respondent fails to appear, the administrative law judge may...take the allegations in the appeal as true as may be appropriate....").

The Division of Hearings and Appeals properly served the Respondent with its notices pursuant to Wis. Admin. Code § HA 1.03 (The division may serve decisions, orders, notices, and other documents by first class mail.).

Here, the Respondent failed to file an answer to the Petition for Administrative Injunction within 20 days from the date of service, in violation of Wis. Admin. Code §§ SPS 3.08(4). The Respondent also failed to appear and participate in the prehearing telephone conference on April 17, 2023. Therefore, the Respondent is in default, and findings and an order may be entered based on the Petition.

Unauthorized Designation and Use of the LCSW Title and Injunction

Pursuant to Wis. Stat. § 457.04(4), no person may designate themselves as a clinical social worker or use or assume the title of “clinical social worker” or any other title or designation that represents or may tend to represent the person is licensed as a clinical social worker unless the person is licensed as a clinical social worker. “Clinical Social Worker” is defined in Wis. Stat. § 457.01(1r) as an individual who holds a license to practice clinical social work granted by the social worker section.

The facts as stated in the Petition for Administrative Injunction are undisputed. The Respondent is not licensed as a clinical social worker and has never been issued any credential in the state of Wisconsin to practice as a licensed clinical social worker. Nevertheless, from at least September 29, 2018 through July 13, 2022, the Respondent identified herself on her company’s website as an LCSW. In various local news stories between 2020 and 2022, the Respondent maintained she was a clinical social worker, even stating that her social work license was revoked for “ethical violations.” On at least one of her company’s social media pages, the Respondent listed herself as the “LCSW Program Director.” Various provider directory websites listed the Respondent as the “Owner Service Coordinator” of her company and listed her credential as “LCSW.” In an email to the Department discussing the Respondent’s allegations of unlicensed activity, the Respondent included an email signature with “LCSW” appended to her name.

As established by the facts set forth above, the Respondent has, without the license required in Wis. Stat. § 457.04(4), designated herself as, and used the title of a licensed clinical social worker. Therefore, pursuant to Wis. Stat. § 440.21(2) and Wis. Admin. Code Ch SPS 3, a special order enjoining the Respondent from continuing to designate herself as a licensed clinical social worker until she is properly licensed in the state of Wisconsin is reasonable and warranted.

SPECIAL ORDER FOR ADMINISTRATIVE INJUNCTION

For the reasons set forth above, IT IS ORDERED:

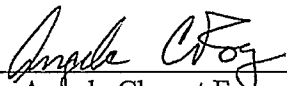
1. Unless and until the Respondent is properly licensed or certified by the Department, she is enjoined and prohibited from designating herself as, and using the title of a licensed clinical social worker or any other title described in Wis. Stat. § 457.01. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation pursuant to Wis. Stat. § 440.21(4)(a).
2. Unless and until the Respondent is properly licensed or certified by the Department, she is enjoined and prohibited from conveying the impression to the public, directly or indirectly, in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means, that she is or has been a licensed clinical social worker or any other title described in Wis. Stat. § 457.01. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation pursuant to Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that the Respondent has violated any terms of this administrative injunction, the Department may refer violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

4. The terms of this Order are effective on the date the Final Decision and Order in this matter is signed by the Department.

Dated at Madison, Wisconsin on June 8, 2023.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
4822 Madison Yards Way, 5th Floor North  
Madison, Wisconsin 53705  
Telephone: (414) 266-7709  
Fax: (608) 264-9885  
Email: [Angela.ChaputFoy@wisconsin.gov](mailto:Angela.ChaputFoy@wisconsin.gov)

By:   
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Angela Chaput Foy  
Administrative Law Judge