

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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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
KRISTINA M. DAUL, L.P.C., C.S.A.C.,	:	ORDER 0008053
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 21 CPC 044

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

Kristina M. Daul, L.P.C., C.S.A.C.
Waukesha, WI 53186

Professional Counselor Section of the 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 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 Kristina M. Daul, L.P.C., C.S.A.C., (Year of Birth 1979) is licensed in the state of Wisconsin as a Licensed Professional Counselor, having license number 5406-125, first issued on August 12, 2014. This license expired on February 28, 2023 and has not been

renewed.¹ Respondent retains the right to renew this license pursuant to Wis. Stat. § 440.08(3) until February 29, 2028. On July 25, 2022, Respondent's license was suspended per Board Interim Order Number 0008053.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is in Waukesha, Wisconsin 53186.

3. At all times relevant to these proceedings, Respondent worked as a therapist at a county social services agency in Waukesha, Wisconsin (Agency).

4. Respondent provided therapy services to Patient A from October 2020 through April 2021.

5. Respondent began a sexual relationship with Patient A in December 2020. The relationship continued through March 2021.

6. Throughout the course of the relationship, Respondent shared protected health information related to Respondent's other patients with Patient A, and the two engaged in sexual activity while Respondent conducted telephonic therapy sessions with patients.

7. Patient A reported the relationship to the Agency in July 2021 and Respondent was terminated.

8. On May 8, 2023, Respondent pled guilty and was convicted in Waukesha County Circuit Court Case Number 2021CF001596 of one count of Sexual Exploitation by Therapist, a felony, in violation of Wis. Stat. § 940.22(2). Respondent was sentenced to seven years in prison (two years incarceration and five years extended supervision).

9. During the Department's investigation, Respondent requested to surrender her professional counselor license.

10. 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 violated a law of any jurisdiction, the circumstances of which substantially relate to the practice of licensed professional counseling within the meaning of Wis. Admin. Code § MPSW 20.02(2).

¹ Respondent is also certified as a clinical substance abuse counselor, having certificate number 15880-132, first issued on November 25, 2014, and current through February 28, 2023. This certificate is suspended as of April 20, 2022.

3. By the conduct described in the Findings of Fact, Respondent revealed facts, data, information, records or communication received from a client in a professional capacity within the meaning of Wis. Admin. Code § MPSW 20.02(10).

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive within the meaning of Wis. Admin. Code § MPSW 20.02(11).

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct by failing to avoid dual relationships or relationships that may impair the credentialed person's objectivity or create a conflict of interest within the meaning of Wis. Admin. Code § MPSW 20.02(13).

6. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26(2)(b), (f), (g), and (h).

ORDER

1. The attached Stipulation is accepted.

2. The SURRENDER by Respondent of her license to practice professional counseling in the state of Wisconsin (license no. 5406-125), as well as her right to renew her license, is accepted.

3. In the event Respondent petitions the Section for reinstatement of her license to practice professional counseling in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,580.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. Respondent shall not petition the Department for reinstatement for at least five (5) years from the date of this Order, or completion of her initial confinement and extended supervision, whichever is later. If the Respondent petitions for reinstatement, whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Section and such decision is not reviewable.

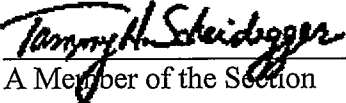
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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. This Order is effective on the date of its signing.

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

By: 
A Member of the Section

01/29/2024
Date

RECEIVED

10/27/2023

DIVISION OF LEGAL SERVICES AND COMPLIANCE

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	:	
	:	STIPULATION
KRISTINA M. DAUL, L.P.C., C.S.A.C.,	:	ORDER 0008053
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 21 CPC 044

Respondent Kristina M. Daul, L.P.C., 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 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

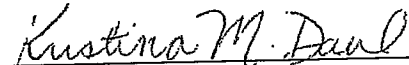
Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

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 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. Respondent is further informed that should the Section adopt this Stipulation, the Section's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


9. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.



Kristina M. Daul, L.P.C., C.S.A.C., Respondent
Waukesha, WI 53186
License No. 5406-125

11/27/23

Date



Nicholas Dalla Santa, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/27/2023

Date