

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

MICHAEL C. LUTZ,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER

:
: **ORDER 0008955**

Division of Legal Services and Compliance Case No. 23 CPC 023

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

Michael C. Lutz
Milwaukee, WI 53212

Wisconsin 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. Michael C. Lutz (Respondent), (Year of Birth 1972) is licensed in the state of Wisconsin as a licensed professional counselor, having license number 7740-125, first issued on March 4, 2020, and current through February 28, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53212.

2. Beginning in August 2016, through April 23, 2023, Respondent worked as a behavioral health program coordinator at a clinic located in Milwaukee, Wisconsin (Clinic). The Clinic provided medical services, including social and behavioral health services.

3. Respondent's job duties included orienting new students to Clinic policies and procedures, facilitating Clinic intake and referral process, clinical counseling, responding to questions from interns, assisting in coordination of care and assignments of interns, and providing triage coverage to the Clinic. Interns included students studying social work and behavioral health.

4. Respondent became a co-supervisor for his first intern during the fall of 2021, and received supervisor training from Mount Mary University. Thereafter he supervised multiple interns through the end of his employment with the Clinic.

5. During the time that Respondent supervised interns the following occurred:

- a. Respondent discussed a former sexual partner, and Respondent's sexual orientation, with an intern.
- b. Respondent shared personal experiences involving bodily functions with an intern.
- c. Respondent met with an intern at his residence.
- d. Respondent went to the beach with interns.
- e. Respondent commented to interns that they had to perform triage since Respondent does not like to do so, that the clients work for Respondent, and that Respondent does not want to work hard and that is why he works for the Clinic. Respondent maintained that such comments were made in a joking manner.
- f. Respondent offered little to no guidance or feedback to interns concerning progress notes and treatment plans.
- g. Respondent commented to one intern that he was friends with her therapist.
- h. Respondent sent an intern song lyrics and commented that the lyrics reminded him of the intern.
- i. Respondent offered to hire an intern, separate from the intern's work with the Clinic, to complete work for Respondent's father.

6. Respondent completed sections of an FMLA form for a client which were inaccurate and/or which should have been verified with a medical professional.

7. In January 2023, Respondent's supervisor met with him to discuss his behavior with interns and provide him with a corrective action plan.

8. On April 23, 2023, Respondent was terminated from his position with the Clinic after his behavior with interns did not improve.

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, 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 sexual contact, sexual conduct, or any other behavior which could reasonably be construed as seductive, romantic, harassing, or exploitative, with a person to whom the credentialed person is providing teaching, supervisory, or other instructional services within the meaning of Wis. Admin. Code § MPSW 20.02(11).

3. By the conduct described in the Findings of Fact, Respondent took unfair advantage of a professional relationship, and/or exploited students or supervisees within the meaning of Wis. Admin. Code § MPSW 20.02(13r).

4. By the conduct described in the Findings of Fact, Respondent failed to exercise an adequate degree of supervision over subordinates within the meaning of Wis. Admin. Code § MPSW 20.02(29).

5. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 457.26 and Wis. Admin. Code § 20.02.

ORDER

1. The attached Stipulation is accepted.

2. Respondent's license to practice as a licensed professional counselor in the state of Wisconsin (license number 7740-125) is **SUSPENDED** for one (1) week, beginning ten (10) calendar days from the date of this order.

3. Respondent's license to practice as a licensed professional counselor in the state of Wisconsin (license number 7740-125), is **LIMITED** as follows:

- a. Within six (6) months of the date of this Order, Respondent shall at their own expense, successfully complete ten (10) hours of education on the topic of ethics and boundaries, and six (6) hours of education on the topic of clinical supervision. Each course attended in satisfaction of this Order must be pre-approved by the Section or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Section and for obtaining the required approval of the course(s) from the Section or its designee. Respondent must take and pass any exam offered for the course(s).

- 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. 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.
 - c. The Section or its designee may change the number of credit hours and/or education topics in response to a request from Respondent. The Section or its designee may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - 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. Respondent's license to practice as a licensed professional counselor in the state of Wisconsin (license number 7740-125), is further LIMITED as follows:
- a. Respondent shall not provide clinical supervision to any intern or any individual.
 - b. Respondent may petition the Section for removal of this restriction following completion of the education required in paragraph 3 of this Order.
 - c. The decision to remove this limitation is within the sole discretion of the Section.
5. Within six (6) months from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$860.00. If costs are not paid within ninety (90) days from the date of this Order, interest shall accrue at the statutory rate of 12% per annum, pursuant to Wis. Stat. § 440.22(2).
6. 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://dpsmonitoring.wi.gov>.

7. In the event Respondent violates any term of this Order, Respondent's license (number 7740-125), or Respondent's right to renew his 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.

8. 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: Tammy H. Scheidgger Date 01/29/2024
A Member of the Section

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

MICHAEL C. LUTZ,
RESPONDENT.

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STIPULATION

ORDER 0008955

Division of Legal Services and Compliance Case No. 23 CPC 023

Michael C. Lutz (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. Respondent is represented by Attorney Steven Jesser.

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.

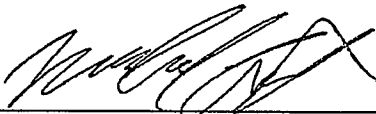
5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted 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.



Michael C. Lutz, Respondent
Milwaukee, WI 53212
License No. 7740-125

12/27/23

Date

Steven Jesser, Attorney for Respondent
Steven H. Jesser, Attorney at Law, P.C.
2700 Patriot Blvd, Ste 250
Glenview, IL 60026

Date

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

Date

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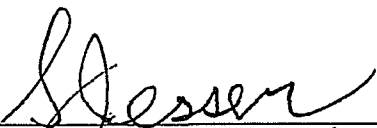
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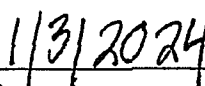
9. The Division of Legal Services and Compliance joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

Michael C. Lutz, Respondent
Milwaukee, WI 53212
License No. 7740-125


Date



Steven Jesser, Attorney for Respondent
Steven H. Jesser, Attorney at Law, P.C.
2700 Patriot Blvd, Ste 250
Glenview, IL 60026



Date



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

January 10, 2024
Date