

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN RE THE APPLICATION OF :
 :
 : **FINAL DECISION AND ORDER**
 ARISE FAMILY SERVICES, INC., :
 : **LS0701314RCO**
 RESPONDENT. :

Division of Enforcement Case No. 07 RCO 001

The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

Arise Family Services, Inc.
1603 Monroe Street
Madison, WI 53711

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708 8935

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Secretary of the Department of Regulation and Licensing (Secretary). The Secretary has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Applicant Arise Family Services, Inc. ("Applicant"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 1603 Monroe Street, Madison, WI 53711, does not presently hold any license or certificate granted by the Department, and is not currently registered with the Department in any capacity.
2. On or about November 21, 2006, Applicant submitted an application for registration as a charitable organization.
3. Applicant disclosed on the application that its Executive Director, James A. Hawk Sr., had been convicted of several crimes, including receipt of stolen property, theft, and robbery. Information obtained by the Department showed that the most recent arrest giving rise to a conviction occurred on December 16, 1987.
4. Records obtained by the Department show that Mr. Hawk was released from incarceration on March 22, 1991. The Department has found no information indicating that Mr. Hawk has been arrested or accused of committing any crime since his release from incarceration in 1991.
5. The Department has received numerous letters in support of Applicant's application for registration as a charitable organization, including, but not limited to letters from a loan officer from a financial institution which has a lending history with Applicant, as well as numerous letters attesting to Mr. Hawk's character. These letters also attest that the purpose of Applicant's charity is to promote the rehabilitation and re-integration into society of persons who have been released from incarceration, and that Mr. Hawk's unique perspective as a former inmate is essential to the success of the charitable organization.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stat. § 440.03(13).
2. The Wisconsin Department of Regulation and Licensing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44(5).
3. The convictions of James A. Hawk Sr., Executive Director of Arise Family Services, Inc., are substantially

related to the functions of a charitable organization.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Applicant ARISE FAMILY SERVICES, INC., shall be issued a LIMITED registration as a charitable organization. Arise Family Services, Inc., shall be, and hereby is, required to have an audit conducted within one year of the date of signing of this Order by Porter & Sack, C.P.A.s, S.C., or another certified public accountant who is registered and certified by the Department of Regulation and Licensing, subject to the approval of the Department. Said audit shall conform to all applicable standards of the profession of certified public accountants. This limitation shall be removed upon receipt of an audit report as described in this paragraph, in which the certified public accountant attests that he or she found no evidence of irregularities suggesting the theft of funds from the organization by any of its executive staff. If this attestation cannot be made by the certified public accountant, then an audit shall be conducted at least once in each successive calendar year until the attestation can be made. Applicant shall be responsible for the costs associated with any audits conducted in accordance with this paragraph.

2. All information required by this order to be submitted to the Department Monitor shall be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

3. Case number 07 RCO 001 is hereby closed.

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Applicant's registration. The Department of Regulation and Licensing may, in its sole discretion, impose additional or alternative conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary

1/31/07

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

IN RE THE APPLICATION OF :
: **STIPULATION**
: **ARISE FAMILY SERVICES, INC.,** :
: **LS** _____
: **APPLICANT.** :

Division of Enforcement Case No. 07 RCO 001

It is hereby stipulated and agreed, by and between James A. Hawk Sr., on behalf of Arise Family Services, Applicant; Krystal Williams-Oby, attorney for Applicant, and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending request for a license denial hearing relating to Arise Family Services, Inc. (Applicant), with the Division of Enforcement (07 RCO 001). Applicant consents to the resolution of this investigation by stipulation and without the issuance of a formal notice of hearing.

2. Applicant understands that by signing this Stipulation it voluntarily and knowingly waives its rights, including: the right to a hearing on the reasons for denial of its license application, at which time it has the burden of proving its fitness for a license by a preponderance of the evidence; the right to confront and cross-examine the witnesses against it; the right to call witnesses on its behalf and to compel their attendance by subpoena; the right to testify through its officers, board members and employees; 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 it under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Applicant has obtained legal counsel prior to signing this Stipulation.

4. Applicant agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing (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. Applicant 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 Enforcement for further proceedings. In the event that this 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 Enforcement may appear before the Department informally or formally, in open or closed session, without the presence of Applicant or her attorney, for purposes of speaking in support of this agreement and answering questions that any person may have in connection with the Department's deliberations on the Stipulation.

7. Applicant is informed that should the Department adopt this Stipulation, the Department's final decision and order is a public record.

8. The Division of Enforcement joins Applicant in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

JAMES A. HAWK, SR., authorized
Representative of **ARISE FAMILY
SERVICES, INC.**, Applicant
1603 Monroe Street
Madison, WI 53711

Date

KRYSTAL WILLIAMS-OBY
Kingdom Legal Services
Attorney for Applicant
10 East Doty Street, Suite 800
Madison, WI 53703

Date

MARK A. HERMAN
Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date