

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
MARTIN JUACHE, : LS0803132RSA  
RESPONDENT. :

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Division of Enforcement Case # 07 RSA 024

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

Martin Juache  
2545 Maryland Ave # 205  
Milwaukee, WI 53211

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing. The Secretary has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Martin Juache (DOB 11/28/1967) is duly certified as a Substance abuse counselor-in-training in the State of Wisconsin (certificate # 130-13690). This certificate was first granted on February 10, 2005.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 2545 N. Maryland Ave # 205, Milwaukee, WI 53211.
3. At all relevant times, Respondent was working as a substance abuse counselor-in-training.
4. In or about 2006, client B.M. was arrested for his third DUI. He was required to obtain AODA counseling, and was assigned to Respondent.
5. Respondent made comments to B.M. about how important his letter to the judge would be for Respondent's sentencing. B.M. asked him what he wanted. Respondent said he wanted money.
6. In or about August of 2006, B.M. arranged to meet Respondent at a local tavern. They drank about six or

seven beers each and consumed four to five shots of tequila. Respondent drove B.M. home.

7. While at the tavern, B.M. gave Respondent \$100. He understood that in return he would receive a favorable letter to the judge to be used in his sentencing.

8. Respondent denies that he received money in exchange for any favorable treatment. However, he admits that he borrowed \$85 from B.M. He states that he paid him \$60 back, and also bought him a dual CD/DVD player worth \$29.

9. In his written response to the Division of Enforcement, Respondent refers to himself as a professional counselor. Respondent is not licensed as a professional counselor.

### CONCLUSIONS OF LAW

1. The Secretary of the Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 440.88(6), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 5 - 8 above constitutes a violation of Rules 2.2, 6.1, 6.2 and 6.5 of the Counselor Code of Conduct, and Wis. Admin. Code § RL 164.01(2)(b), (n), (o). and (v), and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

3. The conduct described in paragraph 9 above constitutes a violation of Rule 5.3 of the Counselor Code of Conduct, and Wis. Admin. Code § 164.01(2)(b) and (i), and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

### ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The secretary accepts the surrender of Martin Juache's Substance abuse counselor-in-training certificate.

3. In the event that Respondent applies for a Wisconsin credential as a substance abuse professional in the future, Board will enter an order denying such application without further notice or hearing.

4. Respondent shall pay costs of Seven Hundred Dollars (\$700.00) to the Department of Regulation and Licensing within ninety (90) days of this Order.

5. This Order shall become effective upon the date of its signing.

Department of Regulation and Licensing

By: Celia Jackson, Secretary  
or designee

3/13/08

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARTIN JUACHE,	:	LS# _____
RESPONDENT.	:	

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Division of Enforcement Case # 07 RSA 024

Martin Juache, personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's Substance abuse counselor-in-training certificate by the Division of Enforcement (case # 07 RSA 024). Respondent consents to the resolution of this investigation by stipulation.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him 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. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to voluntarily surrender his Substance abuse counselor-in-training certificate. Respondent agrees that he will not apply for a Wisconsin credential as a substance abuse professional at any time in the future. In the event that Respondent does in fact apply for a Wisconsin credential as a substance abuse professional, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Secretary of the Department of Regulation and Licensing. 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 Secretary's order, if adopted in the form as attached.

6. If the terms of this Stipulation are not acceptable to the Secretary, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Secretary, the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by consideration of this attempted resolution.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Secretary, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with the Secretary's deliberations on the Stipulation.

8. Respondent is informed that should the Secretary adopt this Stipulation, the Secretary's final decision and order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Secretary adopt this Stipulation and issue

the attached Final Decision and Order.

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Martin Juache  
2545 N. Maryland Ave # 205  
Milwaukee, WI 53211

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Date

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Jeanette Lytle, Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date