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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : LS0306255CPC
JAMES L. ARIMOND, L.P.C., :
RESPONDENT. :

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

James L. Arimond, L.P.C.
P. O. Box 283
Pioneertown, CA 92268

Professional Counselor Section
Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Professional Counselor 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

1. James L. Arimond, L.P.C., Respondent, date of birth September 14, 1938, is licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin pursuant to license number 1663, which was first granted January 30, 1995. (Prior to a statutory change effective 11/01/02, Respondent's credential was a certificate as a professional counselor.)

2. Respondent's last address reported to the Department of Regulation and Licensing is P. O. Box 283, Pioneertown, CA 92268.

3. Respondent has retired and moved from the State of Wisconsin. Respondent does not intend to practice as a professional counselor in the State of Wisconsin and, for personal reasons, agreed to tender the surrender of his Wisconsin professional counselor license.

4. On October 3, 1990, Respondent was convicted of fourth degree sexual assault, a misdemeanor criminal offense, in Milwaukee County Circuit Court case No. 90CM012008. The charge was based on conduct which occurred July 1, 1988.

5. Fourth degree sexual assault is a crime substantially related to practice under his credential.

6. § 457.26(2)(b), Stats. provided, and still provides, the Section with authority to deny a credential and to discipline a credential holder based on conviction of an offense the circumstances of which substantially relate to the practice of professional counseling.

7. The Section granted Respondent's certification in 1995 based in part on the answers he provided to the questions on the application form. One of the questions asked whether Respondent had been convicted of a crime.

8. In April 2002, the Division of Enforcement became aware of Respondent's 1990 conviction and the Section requested that the Division investigate the allegation. By that time, in compliance with the Department's record keeping policies, Respondent's completed application form had been destroyed after five years.

9. Respondent asserts that to the best of his recollection, he reported the conviction on his application prior to being certified. Respondent did not retain a copy of his application and has no documentary proof that he reported the conviction.

10. At the time Respondent was certified, the Section had additional procedural steps for applications which identified past criminal convictions. Those steps included requesting additional information about the conviction, the underlying offense and possible rehabilitation. The Section's minutes show that Respondent was

not asked to provide additional information and that his application was processed and granted, without the additional steps which would have occurred if he had reported the conviction.

CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to § 457.26(2), Stats.
2. The Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.
3. Respondent, by having been convicted of a crime that substantially relates to practice under his credential, has committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(2) and subjects Respondent to discipline pursuant to § 457.26(2)(b), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the SURRENDER by James L. Arimond, L.P.C., Respondent, of his license as a professional counselor in the state of Wisconsin is hereby ACCEPTED, effective immediately.

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

Dated at Madison, Wisconsin this 25th day of June, 2003.

LaMarr Franklin

Vice-Chairperson

Professional Counselor Section