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CERTIFICATION BOARD

January 17th, 2005

Re: Complaint #2004-07
Complainant: Wisconsin Certification Board (WCB)
Respondent: John D. Giffin, CADC

To: Board of Directors
Wisconsin Certification Board, Inc.

The Executive Committee having received the results of the investigation into the alleged misconduct of and in conformity with its rules now makes the following:

Factual Information:

1. WCB records list John D. Giffin's address as 1633 N Prospect Avenue, Apt. 14F, Milwaukee, WI 53202 Telephone 278-6034
2. John D Giffin is no longer employed by Aura Sinai Medical Center
3. The respondent was credentialed as a Certified Alcohol & Drug Counselor (CADC) on May 17th, 2002 and was paid till May 17th, 2004
4. The respondent's current credential status is lapsed as of 5/17/2004
5. On 4/2/04, the respondent was charged with Lewd, Lascivious Behavior-Exposure.
6. On 6/8/04 was found guilty of Lewd, Lascivious Behavior-Exposure. County Statute 944.20 (1)(B) Lewd, Lascivious, Behavior-Exposure, Case number 2004CM002415.
7. John D Giffin was under WCB jurisdiction at the time of the offense.
8. On June 30th, 2004, the WCB mailed a complaint to the respondent via USPS certified mail. The receipt was returned July 7th, with a Richard Brevik (agent) signing for the letter. The respondent failed to respond to the complaint.
9. On October 2nd, 2004, Terrance Coplien (WCB Investigator) mailed another complaint to the respondent. It appears that no one picked up the letter as it was returned to the WCB Office.
10. On December 1st, 2004 writer called the Milwaukee House of Correction to see if John D. Giffin was an inmate. Writer was told that he only served 3 days and the rest of the sentence was stayed. On December 1st, 2004, writer called the home phone of the respondent, the phone rang several times, it appears the receiver was picked up and then put back down. No one spoke but the phone stopped ringing and writer heard a "click"

CONCLUSION

As a result of the respondent's failure to respond to this complaint action, the Executive Committee concludes that the respondent, John D. Giffin, breached the following Rule contained within the *Counselor Code of Conduct* (Rev. 1996):

Rule 11.1 – A counselor shall cooperate in any investigation conducted pursuant to this Code of Conduct and a counselor shall not interfere with an investigation or a disciplinary proceeding or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed. Interference attempts may include but are not limited to:

1. the willful misrepresentation of facts before the disciplining authority or its authorized representative;
2. the use of threats or harassment against, or an inducement to, any client/patient or witness in an effort to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
3. the use of threats or harassment against, or an inducement to, any person in an effort to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted or completed.

DECISION

Pursuant to Section V (A)(3) of the WCB Counselor Code of Conduct, Action by the Executive Committee, John D. Giffin's certification as a CADC is hereby Revoked.

No application for registration or certification will be allowed for a minimum of two years. Prior to any application being accepted, Mr. Giffin must respond to this complaint in full and the Board reserves the right to continue this revocation indefinitely.

Please be advised of your rights to appeal, hearing, and reinstatement as outlined within the *Counselor Code of Conduct*, Sections VI and Section VII.

For the Executive Committee,

Eloiza Altoro-Acevedo
Executive Director