

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JACQUELINE J. CLIFTON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
: LS 0910291 RSA
:

[Division of Enforcement Case No. 06 RSA 026]

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

Jacqueline J. Clifton
3626 Lana Lane
Eau Claire, WI 54701

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

Department of Regulation and 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 Department. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jacqueline J. Clifton, Respondent, date of birth September 17, 1976, holds the right to renew her certificate number 13249 as a Substance Abuse Counselor-in-Training, which Respondent did not renew when it expired on February 28, 2007.¹

¹ Respondent was originally registered by the Wisconsin Certification Board (WCB) as a Registered Alcohol & Drug Counselor I on March 31, 2004. In 2006, Wisconsin Act 2005-25 transferred authority for the certification and regulation of substance abuse certificate holders to the Department of Regulation and Licensing and from the Department of Health and Family Services, which had contracted those responsibilities to WCB. At that time, Respondent's credential became a certificate as a substance abuse counselor in training.

2. Respondent's most recent address on file with the Department of Regulation and Licensing is 1716 Emery Street, Eau Claire, WI 54701. The Division of Enforcement has determined that Respondent's current address is 3626 Lana Lane, Eau Claire, WI 54701.

3. From April 23, 2004 until her resignation on March 29, 2006, Respondent was employed by ATTIC Correctional Services, Inc. (ACS) as an AODA Counselor/Case Manager for their Non-Residential Intensive Program Services in Wausau, Wisconsin. Respondent worked one-on-one with individuals as a counselor and facilitated groups dealing with alcohol and drug issues. Respondent was also responsible for collecting urine samples from clients and testing them for drug use. Respondent's duties included notifying probation agents when a client failed a drug test.

4. As a result of Respondent's conduct with two clients during that employment, Respondent was charged in Marathon County Wisconsin Circuit Court case number 2006CF000293 with:

- a. Two counts of violating Wis. Stat. § 940.22(2) – (Sexual Exploitation by A Therapist), a Class F felony.
- b. A count of violating Wis. Stat. § 946.47(1)(a) – (Harboring or Aiding a Felon), a Class I felony.
- c. A count of violating Wis. Stat. § 946.46 – (Encouraging Parole/Probation Violation), a Class A misdemeanor.

5. On May 18, 2009, as a result of a plea agreement: Respondent was found guilty and convicted of one felony count of Sexual Exploitation by Therapist, the second count of Sexual Exploitation by Therapist was dismissed and the counts of Harboring/Aiding a Felon and Encouraging Parole/Probation Violation were dismissed but read in for purposes of sentencing.

6. On September 10, 2009, sentence was withheld and Respondent was placed on probation for five (5) years. Conditions of probation included:

- a. Nine (9) months jail time with Huber for child care, employment or counseling or electronic monitor.
- b. Fifty (50) hours of community service every year.

7. Respondent's conduct which resulted in the charges included:

a. For approximately two months beginning in July 2005, Respondent engaged in a sexual relationship with Mr. A while he was on probation and Respondent worked as his AODA counselor.

b. Between February 15, 2006 and March 19, 2006, Respondent engaged in a sexual relationship with Mr. B while he was on probation and Respondent worked as his AODA counselor. Respondent allowed Mr. B to live at her residence for three weeks while Respondent was aware that Mr. B had a warrant for his arrest through probation and parole. Respondent smoked marijuana with Mr. B. On two occasions, Respondent failed to obtain drug tests of Mr. B because she believed he would fail them.

8. Wis. Stat. § 940.22(2) is a law relating to the counselor's ability to practice the substance abuse counseling profession.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.88(6) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having violated, and been convicted of, a law substantially related to practice as a substance abuse professional, has committed unprofessional conduct as defined by Wis. Adm. Code § RL 164.01(2)(b) and is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

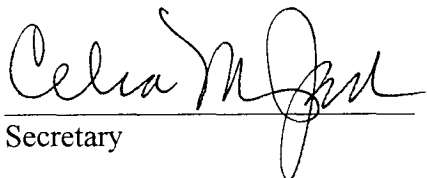
1. The right of Jacqueline J. Clifton, Respondent, to renew her certificate as a Substance Abuse Counselor-in-Training in the state of Wisconsin is hereby REVOKED.

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

Department of Regulation and Licensing

By:

Secretary



Date

10/29/09

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