

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
THOMAS J. PLACH, : LS0911252RSA
RESPONDENT. :

Division of Enforcement Case # 09 RSA 033

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

Thomas J. Plach
W 4695 County Road O
Appleton, WI 54913

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. Thomas J. Plach (DOB 04/05/1955) is certified as a Wisconsin substance abuse counselor-in-training (certificate # 130-15692). This certificate was granted on January 14, 2009.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is W 4695 County Road O, Appleton, Wisconsin 54913.
3. Respondent was hired on June 8, 2009 by ATTIC Correctional Services. ATTIC inquired during the interview and hiring process whether Respondent had any relationship with anyone on supervision within the criminal justice system. Respondent assured them that he did not. In fact, Respondent was in an intimate relationship with S.R., a woman who was on supervision.
4. On October 7, 2009, a drug raid occurred at a home owned by Respondent. S.R. was arrested for selling crack cocaine out of the residence. Respondent was aware of S.R.'s drug dealing activities, and was present in the house

when drug deals occurred.

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 paragraph 3 above constitutes a violation of Wis. Admin. Code § RL 164.01(2)(i), and subjects Respondent to discipline pursuant to Wis. Stat. § 440.88(6).

3. The conduct described in paragraph 4 above constitutes a violation of Wis. Admin. Code § RL 164.01(2)(b) and (n) 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 Thomas J. Palch's substance abuse counselor-in-training certificate. In the event that Respondent attempts to renew his Wisconsin credential in the future, the Secretary or her designee may enter an order denying such application without further notice or hearing.

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

Department of Regulation and Licensing

By: Celia Jackson, Secretary

11/25/09

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
:
THOMAS J. PLACH, : LS# _____
RESPONDENT. :

Division of Enforcement Case # 09 RSA 033

Thomas J. Plach, 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 # 09 RSA 033). 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 in the State of Wisconsin. Respondent agrees that he will not reapply for Wisconsin certification as a substance abuse counselor at any time in the future. In the event that Respondent does in fact apply for a Wisconsin substance abuse counselor certificate, the Secretary or her designee 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 or limitation.
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.

Thomas J. Plach, Respondent
W 4695 County Road O
Appleton, WI 54913

Date

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

Date