

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :
FOR CERTIFICATION OF :
 :
DARYL McCURTY, :
 :
 :
APPLICANT. :

ORDER GRANTING LIMITED CERTIFICATION

The Department of Regulation and Licensing, hereby accepts the stipulation entered into between the applicant and legal counsel for the Division of Board Services, and accordingly makes the following findings and order, based upon the information of record:

FINDINGS OF FACT

1. Daryl McCurty, the applicant herein, whose date of birth is May 28, 1957, has submitted an application for a substance abuse counselor in-training certificate (SAC-IT).
2. The applicant's current address is 3329 Leapold Way, Apt. 106, Fitchburg, Wisconsin, 53713.
3. In his application for the SAC-IT credential, the applicant appropriately disclosed that he has a felony criminal conviction record and submitted form #2252 with his application.
4. The evidence of record shows that the applicant is currently under extended probation supervision for Possession with Intent to Deliver Heroin and Possession of Cocaine. The report from the applicant's probation officer indicates that he has not had any further violations of law and has maintained compliance with the terms of his probation. The applicant is scheduled for discharge from probation on January 13, 2012.
5. The record evidence in the applicant's file includes a letter of support from his former treatment provider, the same facility where the applicant is now serving as a house manager. This provider, known as the Hope Haven-Rebos United (Christ Farley House) has hired the applicant as substance abuse counselor in-training contingent upon his ability to obtain approval of his application for SAC-IT certification. The applicant's employer has agreed to provide the required supervision of his work.
6. The circumstances of the applicant's criminal convictions are substantially related to the duties and responsibilities of the occupation or licensed activity performed under the SAC-IT credential, therefore, his application is subject to limitations and conditions intended to ensure that his practice will be consistent with the protection of the health, safety or welfare of the public.

ORDER

NOW, THEREFORE, IT ORDERED that a limited certification shall be GRANTED to the applicant, DARYL McCURTY, to practice as a substance abuse counselor in-training (SAC-IT) in the state of Wisconsin. The granting of the certification shall be contingent upon the applicant's compliance with the following requirements:

1. The applicant shall arrange for his supervisor, James Crawford, an Independent Certified Substance abuse Counselor, to submit quarterly work reports to the Department Monitor confirming that the applicant is in compliance with the

regulations governing the SAC-IT credential and that the applicant's work performance as SAC-IT is deemed satisfactory.

2. The applicant further agreed that he shall report, or cause his supervisor to report any violations of law or non-compliance with rules governing the credential within seven (7) days of such occurrence.
3. The limitations imposed hereunder shall remain in effect until the applicant obtains his substance abuse counselor certificate.
4. The Department may modify or terminate the limitations based on credible information received from the applicant or his supervisor. However no such petition for modification shall occur earlier than one (1) year from the date of this Order. Any such petition or request for modification shall be accompanied by a written explanation of the reasons and supporting documentation. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of §227.01(3)(a), Stats., and the applicant shall not have a right to any further hearings or proceedings on the denial.
5. Any work reports, requests, petitions and other information required by this Order to be submitted to the Department of Regulation and Licensing shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264, Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

6. The applicant's limited certification shall be subject to summary suspension for violation of the terms of the order. If the Department determines that there is good cause for summarily suspending the applicant's license, the summary suspension shall become effective upon:
 - (a) Mailing to the applicant's last-known address provided to the Department of Regulation and Licensing pursuant to § 440.11, Stats., or
 - (b) Actual notice to the applicant or her attorney.
 - (c) The applicant may request a hearing on the imposition of the summary suspension, and such hearing shall be held using the procedures set forth in ch. RL 2, Wis. Adm. Code. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within sixty (60) days of receipt of the applicant's request, unless otherwise waived by the applicant. The request of a hearing does not stay the suspension during the pendency of the hearing process.
 - (d) After a hearing, or in lieu of a hearing, the Department or its designee may reinstate the credential, provided there is sufficient evidence that the applicant is in compliance with the Order and that continued suspension is not required to protect the health, welfare or safety of the public. The decision whether to reinstate the credential shall be wholly in the discretion of the Department or its designee. In addition to a summary suspension, the violation of any term of this Order may be the basis for a separate disciplinary action under § 441.07, Stats.

Dated at Madison, Wisconsin, this 13th day of July, 2009.

Celia M. Jackson
Secretary
Department of Regulation and Licensing

