

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."  
The status of an appeal may be found on court access websites at:  
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

---

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DAVID M. SANCHEZ,	:	
RESPONDENT.	:	

---

ORDER 0001146

[Division of Enforcement Case # 11 RSA 004]

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

David M. Sanchez  
834 W. Prospect Avenue  
Appleton, WI 54914

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Division of Enforcement filed the complaint that became DHA case SPS-11-0085 on September 1, 2011. Administrative Law Judge Amanda Tollefsen was assigned to the case. The parties reached a resolution, and presented it to the Department for its consideration. The Department considers the resolution acceptable, and makes the following:

FINDINGS OF FACT

1. David M. Sanchez ("Respondent") was born on September 25, 1947 and was certified as a Clinical Substance Abuse Counselor in the State of Wisconsin, pursuant to certificate number 10850-132, which was first granted on July 18, 2000. Respondent was also certified as an Independent Clinical Supervisor in the State of Wisconsin, pursuant to certificate number 11891-135, first granted on August 2, 2002. Both certificates Respondent held are expired and have not been renewed. Pursuant to Wis. Stat. § 440.88(3), Respondent retains the right to renew his licenses upon payment of a fee until February 28, 2016.

2. Respondent's last known address reported to the Department of Safety and Professional Services is 834 W. Prospect Avenue, Appleton, WI 54914.

3. Wisconsin Admin. Code § RL 164.01(2)(f) prohibits performance or offer to perform services for which the substance abuse professional is not qualified by education, training or experience.

4. On January 3, 2011, Respondent, as a customer at Harmony Café in Appleton, Wisconsin, overheard an employee, Ms. A, state that she was having trouble sleeping. Respondent approached Ms. A and informed her that he was a retired therapist and could help her with her sleeping issue. Respondent asked Ms. A to meet with him after she finished her shift, to which Ms. A agreed.

5. Respondent did not hold any credential or qualification that allowed him to treat clients for any issue other than substance abuse. Respondent did not believe, and had no cause to believe, that Ms. A had any substance abuse issues.

6. Wisconsin Admin. Code § RL 164.01(2)(n) prohibits relationships that may compromise a substance abuse professional's objectivity or create a conflict of interest.

7. Respondent and Ms. A met at a restaurant near the Harmony Café immediately after her shift. During the meeting, Respondent made a number of statements, such as Ms. A should not be surprised if she gets "spoiled" by Respondent, wanting to go to bars with Ms. A and if they ever "got drunk together and whatever happens happens," being worried about his wife seeing him with Ms. A, and that he "cannot wait to take [Ms. A] on long drives".

8. Ms. A began to feel uncomfortable with Respondent and as Respondent went into the Harmony Café the next day to confirm a subsequent meeting with Ms. A, she canceled the meeting. Respondent seemed to accept the cancellation with no issue.

9. Soon after Respondent left the Harmony Café, he sent a text message to Ms. A. The text message read: "Hey I switched my little schedule to coincide with yours so that I can give you free service and you cancel because you have to mail a letter. How rude and nasty way to treat someone that was trying to help you get through tough times. What a shitty little girl you turned out to be. I guess I'm still no judge of character. Lose my number you selfish person."

10. Sometime later that day, Respondent returned to the Harmony Café and sat down on a couch. Fearing that Respondent was waiting for her to get off work so he could talk to her, Ms. A spoke with her manager and ultimately decided to involve the police.

11. Two police officers came and talked to Respondent, who did not seem to understand the seriousness of his conduct. The officers verbally issued a notice of No Trespass for Harmony Café and informed Respondent that he may not contact Ms. A. again. Respondent has had no further contact with Ms. A.

12. Wisconsin Admin. Code § RL 164.01(2)(g) prohibits practice or attempt to practice while the substance abuse professional is impaired as a result of any illness that impairs

the substance abuse professional's ability to appropriately carry out his professional functions in a manner consistent with the safety of patients or the public.

13. On June 13, 2011, Respondent stated to an attorney with the Department of Safety and Professional Services, Division of Enforcement that he sustained a brain injury approximately ten years prior, and since has had memory troubles.

#### CONCLUSIONS OF LAW

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

#### ORDER

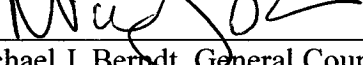
NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Department accepts the resignation and surrender of Respondent's license.

IT IS FURTHER ORDERED that:

2. Respondent will not reapply for licensure to practice substance abuse counseling in the State of Wisconsin at any time in the future and that the Department of Safety and Professional Services will not process any application for renewal of the license of the Respondent, from the date of this Order.
3. This Order is effective on the date of its signing.

#### **WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

By   
Michael J. Berndt, General Counsel  
On behalf of the Department

10/7/11  
Date