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**Before The  
State Of Wisconsin  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

In the matter of a Petition for an Administrative  
Injunction Involving Mark D. Clark, Respondent

FINAL DECISION AND ORDER

Order No. 0003843

**Division of Legal Services and Compliance Case No. 14 UNL 052**

The State of Wisconsin, Department of Safety and Professional Services, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Safety and Professional Services.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 20<sup>th</sup> day of March, 2015.

A handwritten signature in black ink, appearing to read "Michael J. Berndt", written over a horizontal line.

Michael J. Berndt  
Chief Legal Counsel  
Department of Safety and Professional Services



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

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In the Matter of a Petition for an Administrative  
Injunction Involving Mark D. Clark, Respondent

DHA Case No. SPS-15-0003  
DLSC Case No. 14 UNL 052

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**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Mark D. Clark  
615 Christianson Avenue  
Blooming Grove, WI 53704

Department of Safety and Professional Services, Division of Legal Services and  
Compliance, by:

Attorney Sandra L. Nowack  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P. O. Box 7190  
Madison, WI 53707-7190

Michael J. Berndt  
Chief Legal Counsel  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

On January 9, 2014, the Department of Safety and Professional Services, Division of Legal Services and Compliance (Division), filed a Petition for an Administrative Injunction (Petition) against Respondent Mark D. Clark (Respondent). The Petition alleged that Respondent conveyed the impression that he is a substance abuse counselor or substance abuse counselor-in-training, without the certification required by Wis. Stat. § 440.88(5).

Respondent failed to file an Answer to the Petition, as required by Wis. Admin. Code § SPS 3.08. On February 9, 2015, during a prehearing telephone conference with the undersigned Administrative Law Judge (ALJ), Respondent confirmed that he did not intend to file an Answer to the Petition. As a result, the Division moved for default pursuant to Wis. Admin. Code § SPS 3.13. Respondent did not oppose the Division's motion. In light of Respondent's failure to file an Answer and his statement that he did not intend to file an Answer,

the ALJ granted the Division's motion and found Respondent to be in default. On February 9, 2015, the ALJ issued a Notice of Default and Order. Consistent with the Notice of Default and Order, the Division filed its recommended proposed decision and order in this matter on February 13, 2015.

## FINDINGS OF FACT

### Facts Related to the Alleged Unlicensed Practice

Findings of Fact 1-19 are taken from the Division's Petition against Respondent filed in this matter.

1. Respondent Mark D. Clark (D.O.B. January 15, 1961) was certified as a substance abuse counselor-in-training, pursuant to certification no. 16078-130, which was first granted on July 9, 2010, and which expired on February 28, 2013.

2. Respondent's most recent address on file with the Department of Safety and Professional Services (Department) is 6513 Lake Road, Windsor, Wisconsin 53598.

3. Respondent's actual current address is 615 Christianson Avenue, Blooming Gove, Wisconsin 53704.

4. "LinkedIn" is a business-oriented internet-based social network, frequently used to obtain employment, professional advancement and business opportunities. LinkedIn participants typically describe current employment, work history, and professional achievements.

5. On August 11, 2014, Respondent was identified on LinkedIn as "Mark Clark SAC-IT, PRC, PRCT." The LinkedIn profile included Respondent's photograph.

6. According to the LinkedIn entry, since November 2010 to the present, Respondent has been the director and founder of Recovery Solutions of Wisconsin.

7. As the director and founder at Recovery Solutions of Wisconsin, Respondent described his "mission" as "[a]ny and all work that has to do with helping people to recover from the disease of addiction."

8. Respondent identifies his "skills and expertise" to include: personal development, coaching, and mental health.

9. Among his interests, Respondent includes "Helping people to recover from the disease of addiction."

10. "Facebook" is an internet-based social networking site.

11. On August 11, 2014, a Facebook page for "RecoverySolutionsOfWisconsin" identified its email address as [markdelark@live.com](mailto:markdelark@live.com), telephone number 608-577-3416, and street address of 710 E. Broadway Ste, 180 (*sic*), Madison, Wisconsin 53716.

12. The Facebook page for RecoverySolutionsOfWisconsin offered the following: "Trained recovery coaches. Evening [a]ppointments [a]vailable. Personalized recovery. Substance abuse, alcoholism. Helping you get through the tough times."

13. On August 11, 2014, Respondent's photograph and name, "Mark Clark Director, Recovery Solutions of Wisconsin" appeared on a "Kickstarter" internet page intended to raise money for an independent feature documentary film. The film is to be about people in long-term recovery from alcohol and other drug addiction. Respondent is identified as a cast member and one of a number of "high profile people in recovery." Donors to the site are offered a t-shirt that reads, "Recovery...Changing the Addiction Conversation From Problems to Solutions."

14. In approximately March 2013, Respondent administered and taught a course for "recovery coach training." The cover of the training binder was labeled, "Peer Recovery Coach Training, you're [sic] trainers Mark Clark SAC-IT, CLC, PRC, PRCT Mary Beth Manning MS, IC, CSAC, NCGCII, PRC, PRCT."

15. Between approximately fall of 2013 and the present, Respondent identified himself as director of two successive sober-living facilities.

16. Multiple residents of the facilities thought Respondent was a counselor.

17. At the most recent facility, Respondent kept prescribed medications, including Suboxone (buprenorphine and naloxone), in a locked box and caused an employee to dispense the medications to the residents.

18. The employee was not certified to pass medications, was not a licensed nurse, and was not otherwise authorized to dispense Suboxone.

19. In July 2014, a housemother at the sober-living facility, Respondent's fiancé, described Respondent as providing counseling to addicts for the purpose of helping them with their recovery.

#### Facts Related to Default

20. On January 9, 2015, the Notice of Hearing and Petition for an Administrative Injunction in this matter was served on Respondent by both certified and regular mail, consistent with Wis. Admin. Code § SPS 3.07. The Notice of Hearing informed Respondent that he was required to file an Answer to the Petition for an Administrative Injunction within 20 days, failing which he would be found to be in default, and a default judgment could be entered against him on the basis of the Petition for an Administrative Injunction and other evidence.

21. Respondent failed to file an Answer to the allegations in the Petition for an Administrative Injunction as required by Wis. Admin. Code § SPS 3.08.

22. On January 29, 2015, the ALJ issued a Notice of Telephone Prehearing Conference setting a February 9, 2015 prehearing conference.

23. Prior to the prehearing conference, Respondent contacted the Division of Hearings and Appeals and spoke with a legal associate, requesting that default be entered against him.

24. At the February 9, 2015 prehearing conference, the Division moved for default pursuant to Wis. Admin. Code § SPS 3.13, based on Respondent's failure to file an Answer and his acknowledgement that he does not intend to file an Answer to the Petition. Respondent agreed that he was in default and that he did not intend to file an Answer.

25. The ALJ granted the Division's motion for default.

26. On February 9, 2015, the ALJ issued a Notice of Default and ordered the Division to serve no later than February 23, 2015, its recommended proposed decision and order in this matter.

27. On February 10, 2015, the Division filed its recommended proposed decision and order.

28. Respondent did not file a response to either the Division's submission or to the ALJ's Notice of Default and Order.

## DISCUSSION AND CONCLUSIONS OF LAW

### Default

As stated in the February 9, 2015 Notice of Default and Order, Respondent is in default for failing to file an Answer to the Petition. *See* Wis. Admin. Code §§ SPS § 3.08(4) and 3.13. Accordingly, findings made be made and an Order entered against Respondent on the basis of the Petition and other evidence. *See* Wis. Admin. Code § SPS 3.13.

### Unauthorized Practice and Injunction

Pursuant to Wis. Stat. § 440.88(5), "no person may represent himself or herself to the public as a substance abuse counselor . . . or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor . . . unless he or she is so certified" under Wis. Stat. § 440.88(2). A "substance abuse counselor" means "a substance abuse counselor-in-training, a substance abuse counselor, or a clinical substance abuse counselor." Wis. Stat. § 440.88(1)(b).

Respondent's certification as a substance abuse counselor-in-training expired on February 28, 2013. Nevertheless, on August 11, 2014, Respondent identified himself on LinkedIn as "Mark Clark SAC-IT, PRC, PRCT." On the LinkedIn entry, Respondent indicated that since November 2010, he has been the director and founder of Recovery Solutions of Wisconsin. As the director and founder at Recovery Solutions of Wisconsin, Respondent described his "mission" as "[a]ny and all work that has to do with helping people to recover from the disease of addiction." Among his interests, Respondent includes "[h]elping people to recover from the disease of addiction." Likewise, on that same date, August 11, 2014, a Facebook page for "RecoverySolutionsOfWisconsin" identified its email address as [markdclark@live.com](mailto:markdclark@live.com) and stated that RecoverySolutionsOfWisconsin offers the following: "Trained recovery coaches. Evening [a]ppointments [a]vailable. Personalized recovery. Substance abuse, alcoholism. Helping you get through the tough times."

Moreover, in approximately March of 2013, Respondent administered and taught a course for “recovery coach training.” The cover of the training binder was labeled, “Peer Recovery Coach Training, you’re [sic] trainers Mark Clark SAC-IT, CLC, PRC, PRCT Mary Beth Manning MS, IC, CSAC, NCGCII, PRC, PRCT.”

In addition, between approximately fall of 2013 and the present, Respondent identified himself as director of two successive sober-living facilities. Multiple residents of the facilities believed Respondent was a counselor. At the most recent facility, Respondent kept prescribed medications, including Suboxone, in a locked box and caused an employee to dispense the medications to the residents even though the employee was not authorized to pass medications and was not a licensed nurse. In July 2014, a housemother at the sober-living facility, Respondent’s fiancé, described Respondent as providing counseling to addicts for the purpose of helping them with their recovery.

As established by the facts set forth above, Respondent has, without the certification required in Wis. Stat. § 440.88(5), represented himself as a substance abuse counselor or substance abuse counselor-in-training and he has conveyed the impression that he is a substance abuse counselor or substance abuse counselor-in-training.

Wisconsin Stat. § 440.21(2) provides that if, after holding a hearing, the Department determines that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 of the Wisconsin Statutes, the Department may issue a special order enjoining the person from the continuation of the practice or use of the title.

The Division recommends that Respondent be enjoined from holding himself out as a substance abuse counselor or substance abuse counselor-in-training, from conveying the impression that he is a substance abuse counselor or substance abuse counselor-in-training, and from performing acts that constitute the practice of substance abuse counseling. This request is appropriate.

Health care consumers who suffer addictions are vulnerable and rely on the services of competent substance abuse counselors. The only way to assure the public that substance abuse counselors are minimally competent is through the credentialing process. Unauthorized people who offer substance abuse treatment services do so without oversight by the Department. Therefore, the vulnerable population of people suffering from addictions need to be protected from Respondent’s unauthorized practice. Respondent does not contest the issuance of this injunction. For these reasons, a special order of injunction is warranted and will best serve to protect the health, safety or welfare of the public.

#### ORDER

Accordingly, IT IS HEREBY ORDERED:

1. Unless and until Respondent is properly certified by the Department, he is enjoined and prohibited from holding himself out as a substance abuse counselor or a substance abuse counselor-in-training. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

2. Unless and until Respondent is properly certified by the Department, he is enjoined and prohibited from conveying the impression to the public directly or indirectly in any language, orally, in writing or printing, or by drawings, demonstrations, signs, pictures or other means that he is a substance abuse counselor or substance abuse counselor-in-training. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. *See* Wis. Stat. § 440.21(4)(a).

3. Unless and until Respondent is properly certified by the Department, he is enjoined and prohibited from providing services that constitute substance abuse counseling. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. *See* Wis. Stat. § 440.21(4)(a).

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this administrative injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

5. The terms of this Order are effective the date the Final Decision and Order in this matter is signed by the Department.

Dated at Madison, Wisconsin on February 25, 2015.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
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By: \_\_\_\_\_

Jennifer E. Nashold  
Administrative Law Judge