

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BIBIANO COLON,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:

0004620

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Division of Legal Services and Compliance Case No. 15 RSA 029

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

Bibiano Colon  
General Delivery  
St. Paul, MN 55101-9999

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Bibiano Colon (dob August 14, 1975) is certified in the State of Wisconsin as a substance abuse counselor-in-training, having certificate number 16660-130, first issued on July 13, 2012. This certificate expired on February 28, 2015, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of fee until February 27, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is General Delivery, St. Paul, Minnesota 55101-9999.

2. Upon information and belief, Respondent is currently incarcerated at Stanley Correctional Institution, 100 Corrections Drive, Stanley, Wisconsin 54768-6500.

3. On June 12, 2015, in La Crosse County Circuit Court case no. 2014CF413, Respondent was found guilty of one (1) count 1<sup>st</sup> Degree Child Sexual Assault – Sexual Intercourse With A Child Under Age 13, a felony; one (1) count of Causing Child under 13 To View/Listen To Sexual Activity, a felony; one (1) count of Sexual Exploitation Of A Child – Videos, Records, etc., a felony; and one (1) count of Incest With Child, a felony.

4. For the counts above, Respondent was sentenced to 13 years confinement and 10 years extended supervision for count one (1); four (4) years confinement with two (2) years extended supervision for count two (2); five (5) years confinement with three (3) years extended supervision for count three (3); and four (4) years confinement with four (4) years extended supervision for count four (4). Counts two through four (2-4) will be served concurrent with count one (1).

5. On June 12, 2015, in La Crosse County Circuit Court case no. 2014CF610, Respondent was found guilty of 14 counts of Possession of Child Pornography, a felony.

6. Respondent was sentenced to three (3) years confinement and five (5) years extended supervision on all counts. Counts 2-14 will be served concurrent to count one (1). This sentence will run consecutive to case no. 2014CF413.

7. Respondent failed to timely report these convictions.

8. Respondent has an application pending with the Department for a substance abuse counselor certificate.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.88, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Bibiano Colon engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(b), by violating or aiding and abetting a violation of, any law or rule substantially related to practice as a substance abuse professional.

3. By the conduct described in the Findings of Fact, Bibiano Colon violated Wis. Admin. Code §§ SPS 4.09(2), 164.01(2)(d), and Wis. Stat. § 440.03(13)(am), by failing to report a felony or misdemeanor conviction within 48 hours after the entry of the judgment of conviction.

4. In violating Wis. Admin. Code §§ SPS 4.09(2), 164.01(2)(d) and Wis. Stat. § 440.03(13)(am), Bibiano Colon engaged in unprofessional conduct as defined by Wis. Admin.

Code § SPS 164.01(2)(b), by violating or aiding and abetting a violation of, any law or rule substantially related to practice as a substance abuse professional.

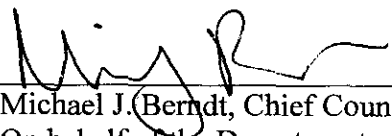
5. As a result of the above violations, Bibiano Colon is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.
2. Bibiano Colon's right to renew his expired certificate (certificate no. 16660-130) to practice as a substance abuse counselor-in-training is REVOKED.
3. Respondent shall not engage in the practice of substance abuse counseling or hold himself out as authorized to do so.
4. Respondent shall withdraw his application for a substance abuse counselor certificate.
5. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:

  
\_\_\_\_\_  
Michael J. Berndt, Chief Counsel  
On behalf of the Department

3/23/16  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BIBIANO COLON,  
RESPONDENT.

:  
:  
: STIPULATION  
:

0004620

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Division of Legal Services and Compliance Case No. 15 RSA 029

Respondent Bibiano Colon and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

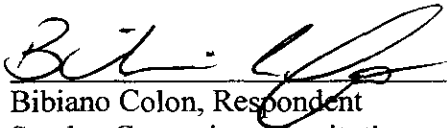
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

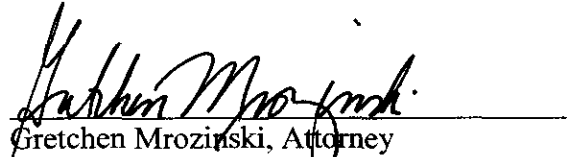
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

  
Bibiano Colon, Respondent

Stanley Correctional Institution  
100 Corrections Dr.  
Stanley, WI 54768-6500  
Certificate no. 16660-130

3-16-16  
Date

  
Gretchen Mrozinski, Attorney

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

3-21-16  
Date