

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR	:	
SUBSTANCE ABUSE COUNSELOR FOR	:	ORDER GRANTING
	:	LIMITED LICENSE
	:	0005334
KEVIN RICH	:	
APPLICANT	:	

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

KEVIN RICH
2520 N 23RD ST
MILWAUKEE, WI 53206

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WI 53708-8935

FINDINGS OF FACT

1. KEVIN RICH (Applicant) has filed an application (#518433) for a credential to practice as a substance abuse counselor in Wisconsin.
2. On or about May 18, 2012, you applied for a Substance Abuse Counselor-In-Training license with the Department.
3. At that time, information received in the application process reflects you had the following violation and convictions:
 - A. On or about December 13, 1978 – Disorderly Conduct, level unspecified.
 - B. On or about February 23, 1979 – Robbery with Threat of Force, level unspecified.
 - C. On or about May 16, 1979 – Resisting/Obstructing an Officer, level unspecified.
 - D. On or about June 17, 1981 – Uniform Controlled Substances Act, level unspecified.
 - E. On or about August 17, 1981 – Resisting/Obstructing an Officer, level unspecified.
 - F. On or about June 15, 1983 – Burglary, level unspecified.
 - G. On or about September 15, 1986 – Theft, a misdemeanor.
 - H. On or about June 25, 1987 – Burglary, a felony.
 - I. On or about July 9, 2001 – Retail Theft-Intentionally Conceal, a misdemeanor.
 - J. On or about May 28, 2003 – Retail Theft-Intentionally Take, a misdemeanor.
 - K. On or about September 6, 2006 – Retail Theft-Intentionally Take, a misdemeanor.
 - L. On or about July 30, 2007 – Hindering an Officer, an ordinance violation.
 - M. On or about August 7, 2008 – Retail Theft-Alter Price, a misdemeanor.
 - N. On or about November 28, 2009 – Operating While Intoxicated, an ordinance violation.

4. After careful review of your file, it was determined that your violations and criminal convictions substantially related to the practice of a Substance Abuse Counselor-In-Training and you were mailed a Stipulation and Order Granting Limited License (Order).
5. You signed the Stipulation indicating that you agreed to accept an Order granting you a limited Substance Abuse Counselor-In-Training license, subject to the terms and conditions set forth in the Order.
6. The Order includes the requirement to "...report, or cause his supervisor to report any violation of law or non-compliance with rules governing the certification within seven (7) days of such occurrence."
7. On July 9, 2012, you were issued a limited Substance Abuse Counselor-In-Training license (#16650-130), in accordance with the Stipulation and Order.
8. Information on file establishes that, since that time, you obtained the following conviction and violations:
 - A. On or about May 6, 2014 – Operating While Intoxicated 2nd Offense, a misdemeanor.
 - B. On or about November 17, 2015 – Operate Without Carrying a License, an ordinance violation.
 - C. On or about June 8, 2016 – Operate Without Carrying a License, an ordinance violation.
 - D. On or about September 8, 2016 – Retail Theft-Intentionally Take, an ordinance violation.
9. You did not report the violations and conviction that occurred, from approximately May 6, 2014 through September 8, 2016, as required in your Order.
10. On or about August 13, 2014, you were denied your request for full and unrestricted Substance Abuse Counselor-In-Training licensure.
11. On February 28, 2017, your Substance Abuse Counselor-In-Training license expired.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter pursuant to Wis. Stat. §440.88.
2. The facts and circumstances of these past violations and convictions are substantially related to your request for licensure as a substance abuse counselor.

ORDER

NOW, THEREFORE, IT IS ORDERED that KEVIN RICH is GRANTED A SUBSTANCE ABUSE COUNSELOR LICENSE, subject to the following LIMITATIONS, TERMS, AND, CONDITIONS:

Practice Limitations

1. Applicant shall provide a copy of this Order to all prospective employers. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
2. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge, violation or conviction to the Department Monitor within 48 hours of any such event.

Reporting Requirements

3. It is Applicant's responsibility to arrange for his supervisor(s) to provide work reports to the Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall describe the Applicant's activities and verify that he is in compliance with the laws governing the practice of a substance abuse counselor and the terms of this Order.
4. Applicant shall file with the Department quarterly reports at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
 - A. The name, address, and telephone number of the Applicant, and name, address and telephone number of the Applicant's employer;
 - B. A statement from the Applicant as to whether he has had any law enforcement contacts leading to arrest, charge, or conviction (including DWI/OWI) during the term of the Order;
 - C. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
5. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

DEPARTMENT MONITOR

6. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports, or other information required by this Order shall be mailed, faxed, or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

Petitions for Modification

7. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. Applicant's petition must include Applicant's history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code § SPS 1, and shall not be subject to any right to further hearing or appeal.

Costs

8. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

9. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Department may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 5th day of May, 2017



Michael Berndt, Chief Legal Counsel

On behalf of the Department of Safety and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR
SUBSTANCE ABUSE COUNSELOR FOR

STIPULATION

KEVIN RICH
APPLICANT

0005334

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Safety and Professional Services as follows:

The Applicant has filed an application for a Substance Abuse Counselor. Information received by the Department reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a Substance Abuse Counselor subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this 4 day of MAY, 2017

Kevin Rich
Kevin Rich, Applicant

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Dated this 5th day of May, 2017

By: Michael Berndt
Michael Berndt, Chief Legal Counsel
On Behalf of the Department of Safety and Professional Services