

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- 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/wscga>

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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF APPLICATION FOR	:	
PREVENTION SPECIALIST CERTIFICATE	:	
	:	<b>ORDER GRANTING</b>
	:	<b>LIMITED LICENSE</b>
MERCEDEZ BUTTS,	:	
APPLICANT	:	<b>ORDER 0006383</b>

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

MERCEDEZ BUTTS  
5502 N. 36TH ST.  
MILWAUKEE WI 53209

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES  
4822 MADISON YARDS WAY  
PO BOX 7190  
MADISON, WI 53707-7190

FINDINGS OF FACT

- I. MERCEDEZ BUTTS (Applicant) has filed an application for a credential to practice as a Prevention Specialist in Wisconsin.
- II. Information received from the Applicant during the application process reflects that the Applicant has the following violation:
  - A. On or about March 31, 2014 – Disorderly Conduct (Ord.)
    1. Applicant states that she got into a physical altercation with her sister that resulted in the police being called. She was issued a citation and states the citation was paid.
- III. Information received during the Department’s criminal background check reflects that Applicant also has the following violation:
  - A. On or about April 1, 2014 – Possession of A Controlled Substance (THC) (Ord.)
    1. Applicant failed to report this violation to the Department.
    2. In response to the Department’s inquiry, Applicant stated that she was driving her cousin’s car and was pulled over for having a taillight out. Applicant said the police searched the car, there was a bag of THC found, and she was arrested and ticketed.

3. Applicant also stated that she contacted the West Allis police department and was informed that criminal reports are not obtainable after three (3) years.
4. On June 26, 2019, the Department contacted the West Allis police department to request the police report for the Possession of a Controlled Substance violation. On June 28, 2019, the Department received a response from West Allis, including a copy of the police report regarding this violation.
  - i. The police report states Applicant was pulled over for having burned out taillights and failing to use her turn signal. Upon approaching the vehicle, police encountered a strong odor of marijuana emanating from the vehicle. Applicant was driving, had an adult male in the passenger seat, and Applicant's four (4) year old daughter in the back of the car. The police search of the vehicle found a clear plastic baggy with a green leafy substance that tested positive for 2.2 g of THC. Child Welfare was notified of the incident because in addition to having the child in a car that smelled and contained marijuana, the adult male passenger was a known registered sex offender.
5. Applicant was fined \$ 1,321.00 and has a balance due of \$700.91.

#### CONCLUSIONS OF LAW

- I. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter pursuant to Wis. Stat. §440.88.
- II. The Department may limit the certification for a Prevention Specialists for unprofessional conduct pursuant to Wis. Stat. § 440.88(6).
- III. Unprofessional conduct includes submitting deceptive or misleading information in conjunction with an application for a credential pursuant to Wis. Admin. Code § SPS 164.01(2)(a).

#### **ORDER**

NOW, THEREFORE, IT IS ORDERED that MERCEDEZ BUTTS is GRANTED A PREVENTION SPECIALIST CERTIFICATE subject to the following LIMITATIONS, TERMS AND CONDITIONS:

#### Practice Limitations

- A.1. Applicant shall show a copy of this Order to her current and any future employer. 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 Monitor 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.

#### Reporting Requirements

- A.2. It is Applicant's responsibility to arrange for her supervisor(s) to provide work reports to the Department Monitor on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the Applicant's activities and verify that she is in compliance with the laws governing the practice of a Prevention Specialist and the terms of this Order.
- A.3. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- A.4. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge, or conviction, including all DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event.
- A.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

- A.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  
4822 Madison Yards Way  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

### Petitions for Modification

- A.7. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of one (1) year 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 one (1) year 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 ch. SPS 1, and shall not be subject to any right to further hearing or appeal.


### Costs

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

### Suspension/Additional Discipline

- A.9. If Applicant violates any term of this Order, Applicant's credential 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 26<sup>th</sup> day of August, 2019

  
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Aloysius Rohmeyer, Chief Legal Counsel  
On behalf of the Department of Safety  
and Professional Services

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF APPLICATION FOR  
PREVENTION SPECIALIST CERTIFICATE

MERCEDEZ BUTTS,  
APPLICANT

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**STIPULATION**

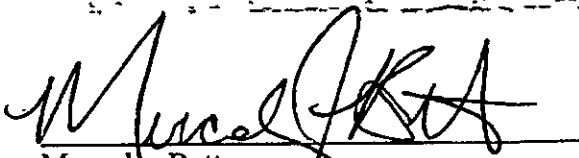
**ORDER 0006383**

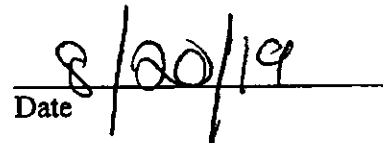
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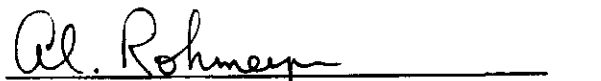
It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Safety and Professional Services (Department) as follows:

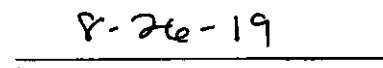
- I. The Applicant has filed an application for a Prevention Specialist certificate.
- II. Information received by the Department reflects a basis for denial of the application for a credential.
- III. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited Prevention Specialist certificate, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - a) the right to request a hearing related to the denial of the application;
  - b) assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence:
    - i. the right to confront and cross-examine the witnesses against Applicant;
    - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
    - iii. the right to testify on Applicant's own behalf;
    - iv. 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;
    - v. the right to petition for rehearing; and
  - c) all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Department's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

  
Mercedes Butts  
5502 N. 36<sup>th</sup> Street  
Madison, WI 53703  
Application No. 648725

  
Date

  
Aloysius Rohmeyer, Chief Legal Counsel  
Department of Safety and Professional Services  
4822 Madison Yards Way  
PO Box 7190  
Madison, WI 53707-7190

  
Date