

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 A :
SUBSTANCE ABUSE COUNSELOR-IN- :
TRAINING LICENSE :

ORDER GRANTING A
LIMITED LICENSE

MICHELE SARKAUSKAS :
APPLICANT. :

ORDER 0006942

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

Michele Sarkauskas
Rhineland, WI 54501

Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this application. The Department of Safety and Professional Services (Department) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about March 13, 2020, Michele Sarkauskas (Applicant) filed an application for a Wisconsin Substance Abuse Counselor-In-Training license (#714180).

2. Information received in the application process reflects that Applicant has the following convictions:

- a. On or about March 12, 2009 – Theft-Business Setting \leq \$2,500 [2 counts], both misdemeanor convictions.
 - i. From November 2003 to January 2006, Applicant stole over \$30,000 from her grandmother, trusted as her financial power of attorney.
- b. On or about December 16, 2013 – Theft-Business Setting $>$ \$2,500-\$5,000, a felony conviction.
 - i. On May 10, 2013, Applicant stole \$5,100 from her employer by forging checks.

3. In resolution of this matter, Applicant 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(6) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 440.88(6), the Department may, after a hearing held in conformity with ch. 227, revoke, deny, suspend, or limit the certification of any substance abuse counselor for any unprofessional conduct, incompetence, or professional negligence.

3. Pursuant to Wis. Admin. Code § SPS 164.01(2)(b), unprofessional conduct includes violating or aiding and abetting a violation of law or rule substantially related to practice as a substance abuse professional.

4. Pursuant to Wis. Stat. § 111.335(3)(a)1., it is not employment discrimination because of conviction record to refuse to license any individual if the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.

5. The facts and circumstances of the convictions referenced above substantially relate to the practice of a Substance Abuse Counselor-In-Training. A substantial relationship occurs where "the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed." *County of Milwaukee v. Labor & Indus. Review Comm'n*, 139 Wis. 2d 805, 824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

- a. A Substance Abuse Counselor-In-Training is put in a position of trust with patients and employers with minimal supervision.
- b. Applicant's conviction record shows a pattern of criminal exploitation for personal benefit when placed in positions of trust.

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Substance Abuse Counselor-In-Training license are necessary to ensure that she is fit and competent to safely practice as a Substance Abuse Counselor-In-Training.
3. Effective the date of this Order, Applicant Michele Sarkauskas is GRANTED a Substance Abuse Counselor-In-Training license in the state of Wisconsin, subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

a. Practice Limitations

- i. Applicant shall provide Applicant's employer(s) with a copy of this Order before engaging in, or continuing to engage in, any Substance Abuse Counselor-In-Training employment. Applicant shall provide the Department Monitor with written acknowledgment from each employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department of Safety and Professional Services Monitor (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.
- ii. Applicant shall undergo clinical supervision by direct observation of treatment for a minimum of ten hours for every 40 hours of work performed and auditing of fifteen (15) patient files per month.

b. Reporting Requirements

- i. Applicant shall arrange for quarterly written reports to be submitted to the Department Monitor from her clinical supervisor at each setting in which Applicant practiced as a Substance Abuse Counselor-In-Training in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall include:
 1. The number of hours of active practice as a Substance Abuse Counselor-In-Training worked during that quarter,
 2. An assessment of Applicant's work performance, including information gathered from direct observation and auditing of patient files, and
 3. Verification that Applicant is in compliance with the laws governing the practice of a Substance Abuse Counselor-In-Training and the terms of this Order.

- ii. If a report indicates poor performance, the Department may institute additional limitations on Applicant's Substance Abuse Counselor-In-Training license, in its discretion.
- iii. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others.

4. After one (1) year of continuous, successful compliance with the limitations, terms and conditions of this Order, Applicant may petition the Department for full, unrestricted licensure.

- a. Applicant's petition shall include her history of employment from the effective date of this Order that states the dates and names of any employer and the name(s) of her clinical supervisor(s).
- b. Applicant's petition shall also include a written recommendation from Applicant's most recent clinical supervisor.
- c. The Department may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. 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.

5. Any acknowledgements, reports, petitions, and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
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://dpsmonitoring.wi.gov>

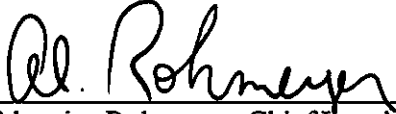
6. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license, may, in the discretion of the Department or its designee, be **SUSPENDED**, without further notice or hearing. The Department or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Department or its designee. 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.

8. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Aloysius Rohmeyer, Chief Legal Counsel
on behalf of the Department of Safety and
Professional Services

08/17/2020
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR A :
SUBSTANCE ABUSE COUNSELOR-IN- :
TRAINING LICENSE :

MICHELE SARKAUSKAS :
APPLICANT. :

STIPULATION
ORDER 0006942


It is stipulated between Applicant and the Department of Safety and Professional Services (Department) as follows:

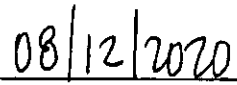
1. Applicant filed an application for a Substance Abuse Counselor-In-Training license.
2. Information received by the Department reflects a basis for denial of the application.
3. Based upon the information of record, the Department agrees to issue, and Applicant agrees to accept, an Order granting a Substance Abuse Counselor-In-Training license, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. 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.

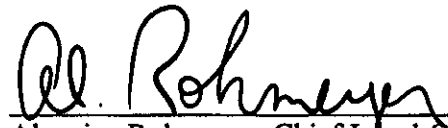
6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.


7. Applicant waives all rights to any appeal of the Department's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.


Michele Sarkauskas
Rhinelander, WI 54501
Application no. 714180


Date


Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional
Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935


Date