

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- 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>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN BEFORE THE
PROFESSIONAL COUNSELOR SECTION OF THE MARRIAGE AND FAMILY THERAPY,
PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR A
PROFESSIONAL COUNSELOR TRAINING
LICENSE

:
:
:
:
:
:

ORDER GRANTING
LIMITED LICENSE

CLIFTON L. DAVIS JR.,
APPLICANT.

ORDER 0007225

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

Clifton L. Davis Jr.
Madison WI 53711

Professional Counselor Section
Department of Safety and Professional Services
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 Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Clifton L. Davis Jr. (Applicant) lives in Wisconsin.
2. On or about August 31, 2018, Applicant filed an application (no. 657922) for a Professional Counselor Training License.
3. Information received in the application process reflects that the Applicant has the following violations and convictions.
 - A. On or about May 4, 1987 – Theft Value ≤\$1000, a misdemeanor conviction.
 - i. Applicant paid a fine.
 - B. On or about September 16, 1991 – Welfare Fraud, a felony conviction.
 - i. Applicant states he was working two jobs and living with his girlfriend. She was receiving public assistance. They were found to

have received an over payment of benefits due to Applicant's failure to report Applicant's income. Applicant was placed on probation for four (4) years and paid restitution.

- C. On or about February 15, 1992 – Operating While Intoxicated (OWI) 1st, an ordinance violation.
- D. On or about September 11, 2000 – Disorderly Conduct, a misdemeanor conviction.
- E. On or about September 11, 2000 – Possession of THC, a misdemeanor conviction.
 - i. Applicant states he had a verbal confrontation with his son. Applicant was searched incident to arrest and was found with marijuana in his pocket. Applicant states he paid a fine.
- F. On or about November 29, 2000 – Operating after Revocation, an ordinance violation.
 - i. Applicant drove after his license had been revoked due to his OWI 1st violation. Applicant paid a fine.
- G. On or about May 3, 2004 – Resisting or Obstructing an Officer, a misdemeanor conviction.
- H. On or about May 3, 2004 – Disorderly Conduct, a misdemeanor conviction.
 - i. Applicant states he and his girlfriend had separated due to relationship infidelity. During an evening out, Applicant states he ran into her. Applicant states he got into an argument with her and the police were called. Applicant states he ran from the police because he did not want to lose his job. Applicant states he eventually stopped running and was arrested.
 - ii. The police report states Applicant assaulted his ex-girlfriend, pulled her from her car, and threw her to the ground. When police arrived, Applicant ran. Applicant was placed on probation for two (2) years.
- I. On or about September 27, 2004 – Theft-Business Setting >\$1000-2500, a felony conviction.
- J. On or about September 27, 2004 – Theft-Business Setting >\$1000-2500, a felony conviction.
 - i. Applicant states he was the Executive Director at Vera Court Neighborhood Center (VCNC). He states he was \$10,000 short on his annual fundraising goal, was accused of wrongdoings, and resigned. Applicant states he was responsible for the VCNC's finances and he failed.
 - ii. The criminal complaint states VCNC hired an accounting firm to conduct an audit. The audit found Applicant had written numerous

checks to himself or Applicant's account where he used funds for undetermined purposes. Applicant had no receipts or explanations for the unaccounted money of approximately \$20,000. Applicant was placed on probation for four (4) years, was ordered to pay restitution, and ordered to complete five hundred (500) hours of community service.

- K. On or about August 23, 2012 – OWI 1st, an ordinance violation.
 - i. Applicant was pulled over for having an expired registration. He demonstrated numerous indicators of intoxication and admitted consuming five to six (5-6) beers. Applicant failed the Standardized Field Sobriety Test (SFST) and blew a Preliminary Breath Test (PBT) .118. Applicant paid a fine and completed an Alcohol and Other Drug Abuse (AODA) assessment which found irresponsible use of alcohol.
- L. On or about March 9, 2020 – OWI 3rd, a misdemeanor conviction.
 - i. Applicant was driving with a PBT of .11 at 3:00 in the morning. Applicant paid a fine, served 45 days jail, his driver's license was revoked for twenty-four (24) months, he has an Ignition Interlock Device (IID) in his vehicle for twenty-four (24) months, and complete an AODA assessment. The AODA assessment found irresponsible use of alcohol—borderline and required Applicant complete two (2) months of AODA treatment.

4. Applicant's driver safety plan assessment found irresponsible use of alcohol borderline and required Applicant to complete outpatient treatment. He completed treatment from August 17, 2020 through October 26, 2020. He was diagnosed with alcohol use disorder mild. Applicant reported abstinence throughout treatment and plans to continue post discharge.

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

CONCLUSIONS OF LAW

- 1. The Section has jurisdiction to act in this matter pursuant to Wis. Stat. §§ 457.13(1) and 457.26, and is authorized to enter the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
- 2. Pursuant to Wis. Stat. § 457.26(2)(b), the Section may deny or limit a license if Applicant was convicted of an offense the circumstances of which substantially relate to the practice of professional counseling.
- 3. Pursuant to Wis. Stat. § 111.335(3)(a)1., it is not employment discrimination because of conviction record to refuse to license an individual if the individual has been convicted

of any misdemeanor, the circumstances of which substantially related to the practice of the particular licensed activity.

4. By the conduct described in the Findings of Fact, Applicant was convicted of offense(s) the circumstances of which substantially relate to the practice of professional counseling.

5. The facts and circumstances of Applicant's above noted violations and convictions are substantially related to the practice of professional counseling. 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 & Industry 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.* Applicant's most recent and serious convictions for theft from a business and 2 OWIs are substantially related to the practice of professional counseling.

- A. Applicant's three (3) OWI convictions, demonstrate a repeated problem with drinking alcohol in an irresponsible, illegal, and dangerous manner. Applicant's most recent AODA assessment found irresponsible use of alcohol borderline and required Applicant complete two (2) months of AODA treatment. Applicant was diagnosed with alcohol use disorder mild. As a Professional Counselor, Applicant may be asked to provide treatment to patients dealing with drug or alcohol abuse.
- B. Applicant's violations and convictions demonstrate over thirty (30) years of consistent legal infractions involving the abuse of substances, abuse of community resources, failure to comply with legal requirements, and failure to take responsibility and ownership of Applicant's wrongdoings. Applicant's conviction history demonstrated poor coping mechanisms in stressful situations and abuse of the trust and fiscal responsibility while Applicant worked in a position providing services substantially similar to professional counseling in a community setting.
- C. A Professional Counselor credential would provide Applicant with the opportunity to engage in further criminal behavior as Applicant's conviction for theft was from a business setting. VCNC was a non-profit organization that provided community support and programming relating to education, employment, and wellbeing. Applicant worked in a setting where Applicant was responsible for a non-profit organization's community resources that assisted individuals in a manner akin to professional counseling.
- D. Applicant's most recent conviction for OWI 3rd misdemeanor offense occurred on March 9, 2020. Less than one (1) year has elapsed prior to this application. As a result, Applicant has not yet demonstrated sufficient

rehabilitation. Repeated OWIs suggest a lack of respect for authority and compliance with rules.

- E. VCNC was a non-profit organization that provided community support and programming relating to education, employment, and wellbeing, akin to the services provided by professional counselors. Applicant worked in a setting where he was fiscally responsible for a community resource that assisted individuals in attaining wellness, educational services, and to achieve mental, emotional, physical, social, moral, educational, spiritual, vocational or career development.
- F. Applicant's history of violations and convictions do not show the good judgment and level-headed demeanor needed for a Professional Counselor. A Professional Counselor is entrusted to engage in human development, rehabilitation and either psychosocial or psychotherapeutic principles, procedures or services that integrate a wellness, pathology and multicultural model of human behavior in order to assist clients to achieve mental, emotional, physical, social, moral, educational, spiritual, vocational or career development and adjustment through the life span of the client. Applicant's history of violations and convictions are contraindicated with the characteristics and responsibilities of a Professional Counselor. Professional Counselors are entrusted to be truthful, cooperate with law enforcement, and uphold rules and laws, including the performance of professional services that comply with the accepted standards of practice.

6. As a result of the above conduct, Applicant is subject to limitations on his license pursuant to Wis. Stat. § 457.26(2)(b).

ORDER

- 1. The attached Stipulation is accepted.
- 2. Limitations upon Applicant's Professional Counselor Training License credential are necessary to ensure that he is fit and competent to practice as a Professional Counselor Training License.
- 3. Applicant's ability to practice as a Professional Counselor Training License in the state of Wisconsin is LIMITED as follows:
 - A. For a period of at least two (2) years from the date of this Order:
 - i. Applicant shall enroll and participate in a drug and alcohol monitoring program which is approved by the Department (Approved Program). Enrollment shall occur within thirty (30) calendar days from the date of this Order.

- ii. At the time Applicant enrolls in the Approved Program, Applicant shall review the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 - 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
 - 3. The Approved Program shall require the testing of specimens at a frequency of not less than twenty-eight (28) times per year, (one of which may be a hair test at the Section's discretion) for at least the first year of this Order. Thereafter, the Section may adjust the frequency of testing on its own initiative at any time.
- iii. Applicant shall abstain from all personal use of alcohol.
- iv. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, the Section or its designee. Copies of these releases shall immediately be filed with the Department of Safety and Professional Services Monitor (Department Monitor).
- v. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within twenty-four (24) hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- vi. Applicant shall provide the Department Monitor with a list of over-the-counter medications and drugs that he may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere

with Applicant's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 3.A.v.

- vii. All positive test results are presumed valid and may result in automatic suspension of licensure by the Section or the Section's designee. Applicant must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- viii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the Section or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- ix. Applicant shall attend Narcotics Anonymous meetings, Alcoholics Anonymous meetings, or other Section-approved equivalent program for recovering professionals, no less than twice per week. Applicant shall provide proof of attendance on a quarterly basis to the Department Monitor.
- x. Applicant shall provide Applicant's professional counseling employer and practice supervisor with a copy of this Order before engaging in, or continuing to engage in, any professional counseling employment. Applicant shall provide the Department Monitor with written acknowledgment from each professional counselor employer and/or professional counseling supervisor that a copy of this Order has been received. Such acknowledgment 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.
- xi. It is Applicant's responsibility to arrange for quarterly written reports to be submitted to the Department Monitor from his supervisor at each setting in which Applicant practiced professional counseling in the previous quarter. These reports shall be submitted as directed by the Department Monitor, and shall assess Applicant's work performance, and shall include the number of hours of active professional counseling practice worked during that quarter. If a report indicates poor performance, the Section may institute additional limitations on Applicant's Professional Counselor Training License, in its discretion.
- xii. Applicant may not work as a professional counselor or other health care provider in a setting in which Applicant has access to controlled substances.

- xiii. Applicant shall report to the Section any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- xiv. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

4. Applicant may petition the Section on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one (1) year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

5. After two (2) consecutive years of successful compliance with all of the terms of this Order, Applicant may petition the Section for return of full licensure. The Section may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

6. Any requests, petitions, reports 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://dspsmonitoring.wi.gov>

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew his license, may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing. The Section 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 Section or its designee. The Section 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. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

PROFESSIONAL COUNSELOR SECTION OF THE WISCONSIN MARRIAGE AND
FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK
EXAMINING BOARD

By:

Tamara H. Scheidegger, LSW
A Member of the Section

01/26/21

Date

STATE OF WISCONSIN BEFORE THE
PROFESSIONAL COUNSELOR SECTION OF THE MARRIAGE AND FAMILY THERAPY,
PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR A :
PROFESSIONAL COUNSELOR TRAINING :
LICENSE :

STIPULATION

CLIFTON L. DAVIS JR., :
APPLICANT. :

ORDER 0007225

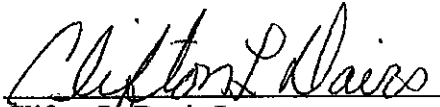
It is stipulated between Applicant and the Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board (Section) as follows:

1. Applicant filed an application for a Professional Counselor Training License.
2. Information received by the Section reflects a basis for denial of licensure.
3. Based upon the information of record, the Section agrees to issue, and Applicant agrees to accept, an Order granting a limited Professional Counselor 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 Section. 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 Section'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.


Clifton L. Davis Jr.
Madison WI 53711
Application no. 657922

1-20-21
Date


A Member of the Professional Counselor Section
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

01/26/2021
Date