

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 DISCIPLINARY
PROCEEDINGS AGAINST

CALLA C. HERZIGER, S.A.C.-I.T.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007277

Division of Legal Services and Compliance Case No. 19 RSA 033

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

Calla C. Herziger, S.A.C.-I.T.
West Bend, WI 53095

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

Division of Legal Services and Compliance
Wisconsin 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 Calla C. Herziger, S.A.C.-I.T., (DOB xx-xx-1992) is certified in the state of Wisconsin as a substance abuse counselor-in-training, having certification number 18386-130, first granted on November 1, 2017, and current through February 28, 2021. Respondent's certification is currently suspended pursuant to Order No. 5483, dated October 7, 2019.

2. Respondent's most recent address on file with the Department is in West Bend, Wisconsin 53095.

3. On October 31, 2017, Respondent was granted a limited license by the Department after the application process revealed several prior criminal convictions. Respondent was ordered to commit no new violations of law and to report all law enforcement contacts leading to arrest, charge, or conviction to the Department Monitor within 48 hours.

4. On July 30, 2019, Respondent was arrested. On October 2, 2019, Respondent was charged with the following offenses in Washington County Circuit Court Case No. 2019CF000464: (1) one count of Possession of Narcotic Drugs; (2) one count of Possession of Cocaine; and (3) one count of Possession of Drug Paraphernalia.

5. Respondent failed to report the law enforcement encounter, arrest, and criminal charges to the Department.

6. On October 7, 2019, the Department issued Order No. 5483 suspending Respondent's certification to practice as a substance abuse counselor-in-training until further notice.

7. On January 8, 2020, Respondent pled guilty and was convicted of Possession of Narcotic Drugs – Party to a Crime, a class I felony, in violation of Wis. Stats. §§ 961.41(3g)(am) and 939.05, in Washington County Circuit Court Case No. 2019CF000464. The other two charges were dismissed but read in for purposes of sentencing.

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

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services 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, Respondent 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 164.01(2)(e), by violating or attempting to violate any term, provision, or condition of any order of the department.

4. As a result of these violations, Respondent Calla C. Herziger, S.A.C.-I.T., is subject to discipline pursuant to Wis. Stat. § 440.88(6).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the certification to practice as a substance abuse counselor-in-training in the state of Wisconsin issued to Calla C. Herziger, S.A.C.-I.T., (certificate no. 18386-130) is hereby accepted.

3. After a period of five (5) years from the date of this Order, Respondent may petition the Department for reinstatement of her certification.

4. In the event Respondent petitions the Department for reinstatement, the Department may enter an order denying such petition without further notice or hearing. Whether to grant a certification and whether to impose any limitations or restrictions on any certification granted shall be in the discretion of the Department.

5. In the event Respondent petitions the Department for reinstatement of her certification to practice as a substance abuse counselor-in-training in the state of Wisconsin, or applies for another credential with the Department, Respondent shall pay the costs of this matter in the amount of \$325.00 before any petition or application is considered.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: A. Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On Behalf of the Department

2/7/2021
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CALLA C. HERZIGER, S.A.C.-I.T.,
RESPONDENT.

STIPULATION
ORDER 0007277

Division of Legal Services and Compliance Case No. 19 RSA 033

Respondent Calla C. Herziger, S.A.C.-I.T., 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.

Calla C. Herziger, SAC-IT
Calla C. Herziger, S.A.C.A.T., Respondent
West Bend, WI 53095
Certificate No. 18386-130

01-08-21
Date


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

01/25/2021
Date