

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 CREDENTIAL	:	ORDER GRANTING
	:	LIMITED LICENSE
	:	
NATHANIEL HAROLD HARRIS JR.,	:	
APPLICANT.	:	ORDER 0008745
	:	

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

Nathaniel Harold Harris Jr.
Milwaukee, WI 53208

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 Wisconsin 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 April 6, 2023, Nathaniel Harold Harris Jr. (Applicant) filed an application (IA-83393) for a Wisconsin Substance Abuse Counselor-in-Training credential.

2. Information received in the application process establishes Applicant had the following conviction history:

A. On or about October 3, 2003 – First Degree Sexual Assault of a Child. in violation of Wis. Stat. § 948.02(1)¹, a felony conviction.

i. According to the criminal complaint, an eleven (11) year old victim, Applicant's nephew, told police he moved in with Applicant. The child victim reported he slept in Applicant's bed as the child victim did not have his own room. The child victim stated that when he

¹ Wisconsin Statutes and Administrative Code Sections are available online at <http://docs.legis.wisconsin.gov/statutes/prefaces/toc> and http://docs.legis.wisconsin.gov/code/admin_code.

stayed in Applicant's room, Applicant instructed the child victim to remove all clothing except his (the child victim's) underwear. The child victim further alleged Applicant had touched his (the child victim's) penis on numerous occasions. The child victim did not report this because he was scared he would have no place to go and would have to live in a shelter. The complaint also states a second eleven (11) year old victim, Applicant's son, lived with Applicant. The second child victim, slept in Applicant's bed as the second child victim did not have his own room. The second child victim reported waking up to find the Applicant's hands were "in his (the child victim's) drawers" and that the second child victim was awoken because Applicant was "touching his (the child victim's) private area."

- ii. Applicant was sentenced to twenty-six (26) years prison, composed of fourteen (14) years Initial Confinement, and twelve (12) years Extended Supervision. Applicant was also required to pay restitution to the victims and Applicant is required to register as a sex offender for life.
- iii. Applicant was released from incarceration on January 30, 2018. Applicant's projected discharge date from Extended Supervision is February 3, 2030.
- iv. Applicant provided a statement that he takes full responsibility for his offense. Applicant states that five (5) years of sex offender treatment was vital to his recovery. Applicant states he understands why he committed his offense and how his actions impacted his victim (sic). Applicant stated he believes treatment gave him tools toward engaging in healthy behaviors. Applicant also reports he obtained additional education including his Bachelor of Theology degree in 2005, and Master of Theological Studies degree in 2010. Applicant also reports he is currently employed at the Joseph Project, a faith-based community employment initiative.

3. First Degree Sexual Assault of a Child, in violation of Wis. Stat. § 948.02(1), is an exempt offense² and a violation of a law substantially related to practice as a substance abuse professional.³

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

² Pursuant to Wis. Stat. § 111.335(1m)(b), an "exempt offense" means, among other statutes, a violation specified in Wis. Stat. § 948.02.

³ Pursuant to Wis. Stat. § 111.335(4)(c)2., the Department is not required to explain the substantial relationship (Wis. Stat. § 111.335(4)(c)1.a.) or consider rehabilitation (Wis. Stat. § 111.335(4)(c)1.b) for conviction of an exempt offense.

CONCLUSIONS OF LAW

1. The Department of Safety and Professional Services (Department) has jurisdiction over this matter, pursuant to Wis. Stat. § 440.88(6), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 440.88(6), the Department may deny or limit the certification of any Substance Abuse Counselor for any unprofessional conduct.

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

4. By the conduct described in the Findings of Fact, Applicant violated Wis. Stat. § 440.88(6) and Wis. Admin. Code § SPS 164.01(2)(b), by his conviction for First Degree Sexual Assault of a Child, a violation of a law substantially related to practice as a substance abuse professional.

5. Pursuant to Wis. Stat. § 111.335(3)(a)1., it is not discrimination because of conviction record to refuse or bar from licensure an individual convicted of a felony substantially related to the credential.

6. Pursuant to Wis. Stat. § 111.335(1m)(b), an “exempt offense” means a violation specified in Wis. Stat. § 948.02. First Degree Sexual Assault of a Child. in violation of Wis. Stat. § 948.02(1), is an exempt offense.

7. Applicant has provided some evidence of his rehabilitation, rendering him eligible for a limited license.

8. As a result of the above Findings of Fact and Conclusions of Law, Applicant’s Substance Abuse Counselor-in-Training license is subject to limitations or denial, pursuant to Wis. Stat. § 440.88(6) and Wis. Admin. Code § SPS 164.01(2)(b).

ORDER

1. The attached Stipulation is accepted.

2. Applicant’s application for a Substance Abuse Counselor-in-Training credential is granted subject to the following limitations.

3. Applicant’s ability to practice as a Substance Abuse Counselor-in-Training in the State of Wisconsin is LIMITED as follows:

A. For an indefinite period from the date of this Order, Applicant shall comply with the following practice limitations:

- i. Applicant shall show a copy of this Order to his current and any future employer(s). Applicant shall provide the 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.
- ii. During the pendency of this Order, Applicant shall **not** work with any clients or individuals under the age of eighteen (18).
- iii. During the pendency of this Order, Applicant shall comply with all of the terms of his Extended Supervision in case Milwaukee County 2003CF2218.
- iv. 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 is responsible for compliance with all of the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

5. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any 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
P.O. Box 7190, Madison, WI 53707-7190
Telephone: (608) 267-3817; Fax: (608) 266-2264
dspsmonitoring@wi.gov

Information may also be submitted online via the Department's Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>

6. Applicant may petition the Department to lift or revise the Practice Limitations set forth above upon demonstration of continuous, successful practice in compliance with the terms of this Order until Applicant successfully completes his term of Extended Supervision in case Milwaukee County 2003CF2218. Any such petition shall be accompanied by a written recommendation from Applicant's current employer. 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.

7. The Department may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

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

9. If 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 Department's Division of Legal Services and Compliance for further investigation and action.

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

Dated at Madison, Wisconsin this 13 day of September, 2023.



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

IN THE MATTER OF APPLICATION FOR A	:	
SUBSTANCE ABUSE COUNSELOR-IN-	:	
TRAINING CREDENTIAL	:	STIPULATION
	:	
NATHANIEL HAROLD HARRIS JR.,	:	
APPLICANT.	:	ORDER 0008745
	:	

Applicant Nathaniel Harold Harris Jr. and the Department of Safety and Professional Services stipulate as follows:

1. Applicant filed an application for a Substance Abuse Counselor-in-Training credential (IA-83393).
2. Information received by the Department reflects a basis for denial of Applicant's 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 credential, 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, pleading, appearance, or consent of the parties. Applicant waives all rights to any appeal of the Department's order, if adopted in the form as attached.

7. Applicant is informed that should the Department adopt this Stipulation, the Department's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

Nathaniel Harris

Nathaniel Harold Harris Jr., Applicant
Milwaukee, WI 53208
Application #IA-83393

9/12/23

Date

A. Rohmeyer

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

09/13/2023

Date