

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
NICHOLAS M. GIMINO, : LS0210301RSG
RESPONDENT. :

Division of Enforcement Case No. 01 RSG 035

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Nicholas M. Gimino
7248 4 Mile Road
Franksville, WI 53126

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Department. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. On or about October 2, 2001, Nicholas M. Gimino (Date of Birth: August 31, 1981) submitted an application for a Private Security Permit to the Wisconsin Department of Regulation and Licensing. Mr. Gimino's last address known on file with the Department of Regulation and Licensing is 7248 4 Mile Road, Franksville, WI 53126. The Department of Regulation and Licensing has discovered that Mr. Gimino's latest address is 2314 1/2 Harriet Street, Racine, WI 53404.

2. In Mr. Gimino's application materials, he did not answer the following question:

Have you **EVER** been convicted of a **MISDEMEANOR** or **DRIVING WHILE INTOXICATED** (DWI) in this or any other state, **OR** are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252 entitled "Convictions and Pending Charges."

3. On or October 12, 2001, the Department of Regulation and Licensing approved Mr. Gimino's application and granted him a Private Security Permit (#18829). Staff at the Department of Regulation and Licensing did not notice that Mr. Gimino has not answered the question identified in paragraph 2 above.

4. On or about November 27, 2001, Mr. Gimino provided information to the Department that he was convicted of misdemeanor Theft, misdemeanor Criminal Trespassing and misdemeanor Criminal Damage.

5. Upon investigation the Department found that on January 5, 2001, Mr. Gimino was convicted in Racine County Circuit Court, Branch 2, of one count of misdemeanor Criminal Trespass to Dwelling, one count of misdemeanor Criminal Damage to Property and one count of misdemeanor Theft. A true and correct copy of the Racine County Criminal Complaint, Judgment of Dismissal and Judgment of Conviction is attached as Exhibit A.

6. In resolution of this matter, Mr. Gimino consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. On the basis of the convictions described in paragraph 5 of the FINDINGS OF FACT, above, Mr. Gimino has been convicted of misdemeanors in this state, the circumstances of which substantially relate to the practice of a private security person as contained in Wisconsin Administrative Code § RL 35.01(2).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that

1. The Department of Regulation and Licensing ACCEPTS the SURRENDER of the Private Security Permit of Nicholas M. Gimino (permit #18829).
2. IT IS FURTHER ORDERED that should Mr. Gimino reapply for a Wisconsin Private Security Permit, the Department of Regulation and Licensing may in its sole discretion determine, whether, and under what terms and conditions, this permit may be reissued.
3. This Order shall become effective upon the date of its signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By: Oscar Herrera
Secretary

10-30-02
Date