

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST : **FINAL DECISION & ORDER**
:
JASON KUCHTA, : **LS#0810082RAL**
:
RESPONDENT. :

Division of Enforcement File: 06 RAL 080

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Jason Kuchta
6329 West Lloyd Street
Wauwatosa, WI

Department of Regulation and Licensing
Office of the Secretary
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A formal complaint has been filed in this matter. 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 Secretary of the Department of Regulation and Licensing (“Secretary”). The Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jason Kuchta (“Kuchta”), whose date of birth is February 9, 1978, held a license as a private detective in the state of Wisconsin (#63-10760). Mr. Kuchta was first issued his license as a private detective on May 2, 2003, and the license expired on August 31, 2008. Mr. Kuchta’s last address of record with the Department of Regulation and Licensing is 6329 West Lloyd Street, Wauwatosa, WI 53213.
2. On May 24, 2005, Mr. Kuchta pled guilty or no contest to a misdemeanor offense: Operating a Motor Vehicle While under Influence (2nd).
3. On June 20, 2006, Mr. Kuchta pled no contest to a misdemeanor offense: Operating (a motor vehicle) While Revoked (2nd).
4. The Department of Regulation and Licensing first became aware of Mr. Kuchta’s convictions after receiving his renewal application, signed September 27, 2006, and cross-checking his answer.
5. Per Wis. Admin. Code § 35.01,

“The department may... limit suspend or revoke a credential, or reprimand a credential holder, upon proof that the credential holder... *has engaged in conduct reflecting adversely on professional qualification*. Conduct reflecting adversely on professional qualification includes *but is not limited to*, any of the following:

...(2) Violating or aiding and abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective or private security person. *A credential holder who has been convicted of a felony, misdemeanor or ordinance violation, as defined in s. 440.26 (4m), Stats., shall send to the department within 48 hours after the judgment of conviction or the judgment finding that the person committed the violation, a copy of the complaint or other information which describes the nature of the crime or conviction and the judgment of conviction in order that the department may determine whether disciplinary action must or should be taken against the credential holder.*” (Emphasis added.)

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26 (6).
2. The Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44 (5).
3. By failing to inform the Department of his convictions in a timely manner, as set forth above in paragraphs 2-4 of the Findings of fact, Mr. Kuchta has engaged in conduct reflecting adversely on his professional qualification as a private detective, contrary to Wis. Stat. § 440.26 (6) (a) 2., 4., and Wis. Admin. Code § RL 35.01 (2), thereby subjecting himself to discipline.
4. By driving after revocation of his driver’s license, as set forth above in paragraphs 3-4 of the Findings of fact, Mr. Kuchta has demonstrated an inability to comply with reasonable regulations designed to protect the safety of the public and has therefore engaged in conduct reflecting adversely on his professional qualification as a private detective, contrary to Wis. Stat. § 440.26 (6) (a) 2., 4., and Wis. Admin. Code § RL 35.01 (2), thereby subjecting himself to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The private detective license of **Jason Kuchta** (#63-10760) shall be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. **Jason Kuchta** shall pay costs of the investigation and prosecution of this matter in the amount of FOUR HUNDRED AND FIFTY DOLLARS (\$450.00) within one (1) year of the date of signing of this Order.

3. All submissions and payment of costs shall be mailed, faxed, delivered or otherwise transmitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. Case number 06 RAL 080/LS#0810082RAL is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Respondent's license. The Department in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to timely submit any payment of costs as set forth above Respondent's private detective license (#63-10760) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

STATE OF WISCONSIN, DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson

10/31/08

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST :**

STIPULATION

JASON KUCHTA,

LS#0810082RAL

RESPONDENT.

Division of Enforcement File: 06 RAL 080

It is hereby stipulated and agreed, by and between Jason Kuchta, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending complaint against Respondent's licensure by the Division of Enforcement (06 RAL 080). Respondent consents to the resolution of this complaint via stipulation, and without the conduct of a hearing.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided with an opportunity to seek legal counsel.

4. 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 Secretary of the Department of Regulation and Licensing's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Secretary, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Secretary, the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Secretary or her designee in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Secretary adopt this Stipulation, the Secretary's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

JASON KUCHTA

Respondent

6329 West Lloyd Street

Wauwatosa, WI 53213

Date

MARK A. HERMAN

Attorney, Division of Enforcement

Date