

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER :  
 : LS0911202RSG  
RICHARD F. POSIUS. :  
RESPONDENT. :

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[Division of Enforcement Case File #: 09RSG019]

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

Richard F. Posius  
221 Sherry Street, Apt. 108  
Neenah, WI 54956

Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

The Department Secretary adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Richard F. Posius (“Respondent”), date of birth: 06/08/47, is licensed as a private security person having license #108- 034079. This license was first granted on: 08/17/07.
2. The last reported address on file with the Department of Regulation and Licensing (“Department”) for the Respondent is: 221 Sherry Street, Apt. 108, Neenah, Wisconsin 54956.
3. As a registered private security person, the Respondent was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 440 and the Wisconsin Administrative Code for Private Detectives and Private Security Personnel, Chapter 35.
4. On or about June 8, 2009, the Respondent reported to the Department that he had been convicted in May 2009 of a misdemeanor for operating his motor vehicle while intoxicated. The matter was subsequently opened for investigation.
5. A true and correct copy of the May 2009 Criminal Complaint and Judgment of Conviction is attached as **Exhibit A** and incorporated by reference. The Respondent was convicted of an unclassified misdemeanor, Operating While under Influence (
6. The Department’s investigation revealed that the Respondent failed to report his misdemeanor conviction within the forty-eight (48) hour time period, as required by Wis. Stats. §§ 440.26 (4m); 440.26 (6)(a)1.; and Wis. Admin. Code § RL 35.01 (2).

7. The Respondent is not currently working as a security guard but does have an active license through August 31, 2010. The Respondent has indicated to the Department that he wishes to voluntarily surrender his license.
8. In resolution of this matter, the Respondent consents to the entry of the following Conclusions of Law and Order.

### CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.21.
2. The Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44 (5).
3. Respondent, Richard F. Posius, has violated:

Wis. Stats. §§ 440.26 (4m); 440.26 (6)(a)1.; and Wis. Admin. Code § RL 35.01 (2), by failing to report his conviction within the forty-eight hour period specified by law.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the VOLUNTARY SURRENDER of Respondent Richard F. Posius' RIGHT TO RENEW private security guard permit, #108-34079 is hereby accepted for a period of not less than five years. As of the date of signing of this Final Decision and Order, Richard Posius will not be permitted to provide security guard services in the State of Wisconsin.

IT IS FURTHER ORDERED, that Respondent Richard F. Posius, will not practice or attempt to practice as a private security guard in the State of Wisconsin when not currently licensed.

IT IS FURTHER ORDERED, that file 09 RSG 019 be, and hereby is, closed as to Richard F. Posius.

### **WISCONSIN DEPARTMENT OF REGULATION AND LICENSING**

By: Secretary Celia M. Jackson

11/20/09