

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 AND ORDER**
: **LS09020231RSG**
JASON E. JERABEK, **:**
RESPONDENT. **:**

Division of Enforcement Files: 07 RSG 043

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

Jason E. Jerabek
1928 Herman Road
Manitowoc, Wisconsin 54220

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

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. Jason E. Jerabek (Date of Birth: June 7, 1974) is duly licensed as a Private Security Person in the state of Wisconsin (Permit #108-21234) by the Wisconsin Department of Regulation and Licensing (Department). Mr. Jerabek was first issued a regular Private Security Permit on July 1, 2002, and the permit is current through August 31, 2010. Mr. Jerabek's current address reported to the Department is 1928 Herman Road, Manitowoc, Wisconsin 54220.

2. On May 5, 1997, Mr. Jerabek was convicted in Marinette County Circuit Court of one count of misdemeanor Resisting or Obstructing an Officer [Wis. Stat. § 946.41 (1)].

3. On August 10, 2001, Mr. Jerabek was convicted in Marinette County Circuit Court of one count of misdemeanor Cause Injury/Operating While Intoxicated [Wis. Stat. § 346.63 (2)].

4. On or about June 18, 2002, Mr. Jerabek filed an initial application for a Private Security Person Permit with the Department. Questions on the application required an applicant to answer if the applicant had been convicted of Misdemeanor Felony, Driving While Intoxicated (DWI), or had any criminal charges pending. Mr. Jerabek alerted the Department to his 1997 and 2001 convictions. Mr. Jerabek was issued a private security person permit on July 1, 2002.

5. On January 16, 2007, Mr. Jerabek was convicted in Manitowoc County Circuit Court of one count of Operating While Under Influence (3rd), an unclassified misdemeanor [Wis. Stat. § 346.63 (1) (a)].

6. On May 3, 2007, Mr. Jerabek was convicted in Manitowoc County Circuit Court of one count of Operating

While Under Influence (4th), a unclassified misdemeanor [Wis. Stat. § 346.63 (1)(a)]. On July 17, 2007, his sentence was withheld and he was placed on probation for 12 months. His driver's license was revoked for 32 months from July 17, 2007.

7. The January 16, and May 3, 2007, convictions of Mr. Jerabek were reported to the Department by a facsimile on July 20, 2007, and by a letter dated July 20, 2007, that was received in the department on July 23, 2007.

8. By being convicted four times of Operating While Under Influence, as set forth in paragraph 6 of the Findings of Fact, Mr. Jerabek has demonstrated an inability to comply with reasonable regulations designed to protect the safety of the public.

9. In resolution of this matter, Jason E. Jerabek consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing is authorized to enter in the attached Stipulation pursuant to Wis. Stat. sec. 227.44 (5).

2. By his convictions as set forth in paragraphs 2, 3, 5 and 6 of the Findings of Fact, the Respondent has violated:

a. Wis. Stat. § 440.26 (6) (a)1. Been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and 111.335.

b. Wis. Stat. §. 440.26 (6)(a)2. Engaged in conduct reflecting adversely on his or her professional qualification.

3. By failing to report in writing to the department the convictions set forth in paragraphs 5 and 6 of the Findings of Fact within 48 hours after the judgments of convictions, the Respondent has violated:

a. Wis. Stat. § 440.26 (4m)(b) and Wis. Admin. Code § RL 35.01 (2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Private Security Person Permit of Jason E. Jerabek (Permit #108-24000) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that his permit as a Private Security Person is **LIMITED** in that he may not operate a motor vehicle while working as a Private Security Person and that limitation should continue until his driver's license is reinstated. Upon reinstatement of his driver's license, he may apply to the department to have the limitation on his Private Security Person permit removed. Such application should be directed to the Department's Monitor.

Jason E. Jerabek shall within **ten (10)** days after the effective date of this Order, surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue all indicia of registration to Jason E. Jerabek marked "limited."

IT IS FURTHER ORDERED that Jason E. Jerabek shall pay costs in the amount of FOUR HUNDRED dollars (\$400.00) in this matter.

The payments shall be submitted as followed or sooner:

Payment 1 \$100.-due 90 days after the effective date of this order.

Payment 2 \$100.-due 180 days after the effective date of this order.

Payment 3-\$100.-due 270 days after the effective date of this order.

Payment 4-\$100.-due 365 days after the effective date of this order.

Payment shall be made by *certified check or money order*, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608.267.3817

Jason E. Jerabek is responsible for any monetary costs incurred in complying with the terms of this Order.

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Jason E. Jerabek's Private Security Person permit. The Secretary in her 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 Jason E. Jerabek fails to timely pay costs as set forth above, Jason E. Jerabek's Private Security Person permit (#108-21234) SHALL BE SUSPENDED, without further notice or hearing, until Jason E. Jerabek has complied with the terms of this Order.

This Order shall be effective on the date on which it is signed.

THE DEPARTMENT OF REGULATION AND LICENSING

By Celia M. Jackson
Secretary

2/2/09

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

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS :

AGAINST :

STIPULATION

: **LS#** _____ **RSG**

JASON E. JERABEK, :

RESPONDENT. :

Division of Enforcement Files: 07 RSG 043

It is hereby stipulated between Jason E. Jerabek, and John C. Temby, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Jerabek' licensure by the Division of Enforcement (07 RSG 043). Mr. Jerabek consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Mr. Jerabek 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 other provisions of state or federal law.

3. Mr. Jerabek is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.

4. Mr. Jerabek agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing (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. Mr. Jerabek 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 Enforcement 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 Enforcement may appear before the Department in open or closed session, without the presence of Mr. Jerabek for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with the Department's deliberations on the Stipulation.

7. Mr. Jerabek 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 Enforcement joins Jason E. Jerabek in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Jason E. Jerabek

Respondent

1928 Herman Road

Manitowoc, Wisconsin 54420

Permit Number: 108-21234

Date

John C. Temby

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date