

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**

KYLE M. KUHN, :
RESPONDENT. : LS0908261RSG

Division of Enforcement Case #09 RSG 2

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

Kyle M. Kuhn
706 Pirate Island Rd. #3
Monona, WI 53716

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 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 Secretary or designee has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Kyle M. Kuhn, (d.o.b. 7/3/86), is and was at all times relevant to the facts set forth herein a private security person licensed in the State of Wisconsin pursuant to license #35755-108, originally granted on 5/1/08.
2. Respondent was arrested and charged with sexual assault on 7/27/08, and on 1/13/09, Respondent pled guilty to second degree sexual assault, but adjudication was deferred to allow Respondent to participate in the First Offenders Program. The incident involved Respondent and a former girlfriend, and occurred while Respondent was influenced by alcohol; he was not on duty. Respondent has complied with all requirements of the First Offenders Program.
3. On 12/17/08, while charges were still pending, Respondent submitted documents to renew his security guard permit, and he specifically answered "no" to the following question: "Have you been convicted within the past two years of a felony, a misdemeanor or a violation of any state or local law (other than traffic) that is punishable by a forfeiture, or are charges pending?"
4. Respondent represents to the Department that his incorrect answer was an oversight which occurred when he filled his renewal form out in haste and failed to read the question completely. Respondent represents that he did not intend to conceal his arrest from the Department.

CONCLUSIONS OF LAW

- A. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. §440.26(6), and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.
- B. The conduct described in paragraph 3, above, violated Wis. Adm. Code § RL 35.01(17). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes

ORDER

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

IT IS FURTHER ORDERED, that, Kyle M. Kuhn, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Respondent shall pay COSTS in this matter in the amount of \$250, within 90 days of this order.

IT IS FURTHER ORDERED, that Respondent shall fully comply with all requirements of the First Offenders Program.

IT IS FURTHER ORDERED, that pursuant to Wis. Stat. § 227.51(3), and Wis. Adm. Code ch. RL 6, 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 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 Respondent fails to timely and fully pay the Costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid the Costs in full, together with any accrued interest.

Dated this 8/26, 2009.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING, by:

Celia M. Jackson, Secretary