

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: 95 RAL 042
: MARK R. MASIAKOWSKI, :
RESPONDENT. :

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

Mark R. Masiakowski
8754 Richardson Platt Rd.
Minocqua, WI 54548

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

The State of Wisconsin, Department of Regulation and Licensing, having considered the Stipulation agreement annexed-hereto of the parties, in resolution of the captioned-matter, makes the following:

ORDER

NOW THEREFORE, it is hereby ordered, pursuant to jurisdiction and authority granted to the Department, that the Stipulation agreement annexed hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Department of Regulation and Licensing.

Let a copy of this order be served on Respondent by certified mail.

This Order shall become effective ten (10) days following the date of its signing.

By: Patricia C. McCormick
Pat McCormick, Deputy Secretary
Department of Regulation and Licensing

6/18/96
Date

HES:daw
ATY-FLG2997

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

STIPULATION
95 RAL 042

MARK R. MASIAKOWSKI,
RESPONDENT.

Respondent Mark R. Masiakowski (Mark), and Complainant's attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Mark R. Masiakowski (Masiakowski), P.O. Box 139, McNaughton, WI 54543, is duly licensed in the State of Wisconsin as a private detective (license #9630), and has been so licensed under the provisions of sec. 440.46, Wis. Stats., since August 16, 1995.

2. This Stipulation shall be submitted to the Department of Regulation and Licensing (department) for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Department, then the parties shall not be bound by any of the provisions of the Stipulation.

a. This Stipulation is dispositive of investigative complaint #95 RAL 042.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the Complaint, but hereby freely and voluntarily waives his right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Department.

a. Respondent further agrees to waive any appeal of the Department's Final Decision and Order adopting the Stipulation agreement.

4. On about August 15, 1995, the Bureau of Direct Licensing and Real Estate in the state Department of Regulation and Licensing, received an application for private detective license from Respondent dated August 7, 1995, Exhibit "A" attached hereto.

5. Respondent answered "no" to question "a." of the application, Exhibit "A" supra, which asked:

"Have you ever been convicted of a misdemeanor or a felony? If yes, attach a sheet providing details about the crime, including the date of conviction, court and penalty."

6. Based upon Respondent's representation on his application supra, Respondent was granted his private detective license on August 16, 1995.

7. However, subsequently and pursuant to a routine background check by the Bureau of Direct Licensing and Real Estate, the Bureau learned from the State Crime Information Bureau that Respondent had been convicted on February 3, 1994, on his plea of "No Contest", to disorderly conduct-ordinance violation, Exhibit "B", and was also convicted on February 3, 1994, on his plea of "No Contest", to misdemeanor Criminal Damage to Property, in violation of sec. 943.01(1), Wis. Stats.; Exhibit "C" attached hereto, case #93 CM 000189, Vilas County Circuit Court, the Honorable Judge Robert A. Kennedy presiding.

8. That attached hereto as Exhibits "D-D1" are certified copies of the summons and criminal complaint pursuant to which Respondent based his pleas of "No Contest."

9. Respondent has, by virtue of the withholding of the acts, errors and/or omissions enumerated supra in the criminal complaint, judgments of convictions and sentencing orders on his application for private detective license, violated sec. 440.26(6), Wis. Stats.,...made a false statement in connection with any application for license or permit, and sec. RL 35.01(17), Wis. Adm. Code, provided false information in his application for a license; violated sec. RL 35.01(2), Wis. Adm. Code, violated...any law the circumstances of which substantially related to the practice of a private detective or private security person; and violated sec. RL 35.01(18), Wis. Adm. Code, provided false information to the Department or its agent in response to the Department's proposed-compromised resolution.

10. Based upon the above and in settlement of this matter, Respondent hereby consents, accepts and agrees to be suspended for a period of one (1) month (30 days), commencing effectively ten (10) days following adoption of the Stipulation by the Department.

11. On or before the effective date of the suspension, Respondent shall submit all private detective licenses/certificates previously issued to him, to Marlene Maly in the Bureau of Direct Licensing and Real Estate.

12. At the expiration of Respondent's suspension, his licenses/certificates shall be returned to him, and his right to practice private detecting shall be restored immediately.

13. As basis in mitigation and for acceptance of this Stipulation, the Department is advised that Respondent correctly indicates that pursuant to his employment application filed with his prospective employer (at the time of his license application), he had indicated his criminal record to and provided copies to his prospective employer. He however, failed to correctly complete his private detective license application relating to same.

14. Respondent agrees that this Stipulation agreement may be incorporated into the Department's Final Decision and Order adopting the Stipulation agreement.

15. Respondent further agrees that Complainant's attorney, Sanders, may appear at any closed deliberative meeting of the Department with respect to this Stipulation, but that appearance is limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.

Mark R. Masiakowski
Mark R. Masiakowski
Respondent

6/7/96
Date

Henry E. Sanders
Henry E. Sanders
Complainant's Attorney

6/12/96
Date

HES:daw
ATY:FLG2998

RECEIVED

JUN 11 1996

Dept. of Regulation & Licensing
Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

Information requested below is required for processing this application.

P.O. Box 8935, Madison, WI 53708-8935

(608) 266-0829
 TTY# (608) 267-2416
 TRS# 1-800-947-3529

hearing or speech impaired only

BUREAU OF DIRECT LICENSING AND REAL ESTATE APPLICATION FOR PRIVATE DETECTIVE LICENSE

FEE: **\$34.00**
 PAYABLE TO: *Department of Regulation and Licensing*

- IMPORTANT:**
1. This form is for applying for a private detective license (either before or after receiving an examination score report).
 2. To register to take the private detective examination see the brochure entitled "Private Detective Licensing Information Bulletin for the Computer-Administered Examination". The brochure is available from PSI Examination Services at (800) 733-9267 or the Department of Regulation and Licensing at one of the numbers listed above.

TYPE OR PRINT IN INK

SECTION A: TO BE COMPLETED BY APPLICANT

ENTER YOUR LAST NAME, FIRST NAME, AND MIDDLE INITIAL.

MASIAKOWSKI MARK R

ENTER THE ADDRESS AT WHICH YOU RESIDE.

5430 Bridge Rd 139
 Number Street PO Box
McNaughton Wi. 54543
 City State Zip Code

HAVE YOU LIVED IN WISCONSIN CONTINUOUSLY DURING THE PAST 5 YEARS? YES NO

IDENTIFICATION INFORMATION, RELATING TO FINGERPRINT CARDS:

Social Security #	Height	Weight	Eye Color	Hair Color	Sex	Ethnic Origin
398-66-7135	5'11"	147	Hazel	Br	M	White

DATE OF BIRTH: 12 / 20 / 63 DAYTIME TELEPHONE NUMBER: (715) 277-4182
 month day year

BOARD OFFICE USE ONLY	
Liability Coverage	Reg Type <u>CC-3</u>
<input type="checkbox"/> Bond	Date Granted <u>5-16-95</u>
<input checked="" type="checkbox"/> Insurance	License # <u>9630</u>
FP CARDS TO:	Date Expires <u>9-01-96</u>
CIB NAME CHECK:	CIB <u>5-15-95</u> FBI _____

For Receiving Use Only

TRANSACTION #811
 34 #3063 7000 053 8714 PET 34.00
 TAX TOTAL 34.00
 HDRL .00
 11 03 11:50 15/AUG/95 M1 1-33 1

EXHIBIT "A"

State of Wisconsin Department of Regulation & Licensing

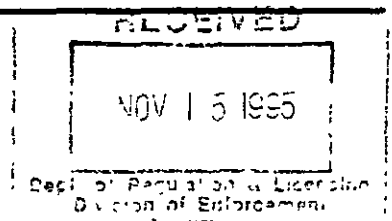
MARK AN X IN THE APPROPRIATE BOX. If you answer Yes to any question, give all details on a separate sheet.

YES NO

- a. Have you ever been convicted of a misdemeanor or a felony? If YES, attach a sheet providing details about the crime, including the date of conviction, court, and penalty. (Please do not give details on minor traffic convictions, but do include information relating to Driving While Intoxicated (DWI) convictions.) YES NO
- b. Are you incarcerated, on probation or on parole for a conviction? If applicable, attach a sheet providing details including the terms of incarceration and, if applicable, list name, address and phone number of your probation or parole officer. YES NO
- c. Do you have any felony or misdemeanor charges pending against you? If YES, attach a sheet providing details about the pending charge, including status of the charge and the location of court. (Please do not give details on minor traffic charges, but do include information relating to Driving While Intoxicated (DWI) convictions.) YES NO
- d. Have you ever surrendered, resigned, cancelled or been denied a professional license or other credential in Wisconsin or any other jurisdiction? If YES, give details on an attached sheet, including the name of the profession and the agency. YES NO
- e. Has any licensing or other credentialing agency ever taken any disciplinary action against you, including but not limited to, any warning, reprimand, suspension, probation, limitation or revocation? If YES, attach a sheet providing details about the action, including the name of the credentialing agency and date of action. YES NO
- f. Is disciplinary action pending against you in any jurisdiction? If YES, attach a sheet providing details about pending action, including the name of the agency and status of action. YES NO
- g. Have any suits or claims ever been filed against you as a result of professional services? If YES, submit a copy of the claim or suit and a copy of the final settlement or disposition. YES NO
- h. Do you currently hold, or have you in the past held, any credential (license) issued by the Department of Regulation and Licensing or any of the Boards? If YES, what type of credential? YES NO
And if in another name, what name? _____

EMPLOYMENT RECORD FOR THE LAST TEN YEARS

sent in already



APPLICANT MUST SIGN IN THE PRESENCE OF A NOTARY PUBLIC.

I state that I am the person referred to on this application and that all the answers set forth are strictly true in each respect. I understand that false or forged statements made in connection with this application may be grounds for revocation of my credential or other disciplinary action. I also understand that if I am issued a credential, failure to comply with the laws and rules of the Department of Regulation and Licensing will be cause for disciplinary action.

Mark B. [Signature]
Signature of Applicant

8/7/95
Date

Subscribed and sworn before me this 7th day of August, 1995.

Lina M. Olson
Signature of Notary Public (Seal)

1-25-96
Date Commission Expires

State of Wisconsin Department of Regulation & Licensing

TO BE COMPLETED BY PRIVATE DETECTIVE AGENCY EMPLOYER—If you are applying for an agency and private detective license, complete this section as if the agency were already licensed. Staff will fill in license number.

ENTER NAME OF EMPLOYING AGENCY EXACTLY AS IT APPEARS ON THE AGENCY'S LICENSE.

PRIVATE INVESTIGATORS &
SHADOW SECURITY INC.

ENTER THE EMPLOYING AGENCY'S LICENSE NUMBER AS IT APPEARS ON THE AGENCY'S LICENSE.

7454

ENTER THE BUSINESS ADDRESS OF THE EMPLOYING AGENCY'S MAIN OFFICE.

30A W. DAVENPORT ST. PO BOX 2499
 Number Street PO Box
 RHINELANDER, WI. 54501
 City State Zip Code

ENTER THE MAIN OFFICE TELEPHONE NUMBER.

(715) 369 5944

THIS STATEMENT MUST BE SIGNED by the sponsoring sole proprietor owner of the agency or by the officer, partner or member of a corporation, partnership or limited liability company who has been designated as the principal to sign on the agency's behalf. Print or type name of person signing below.

MALONEY TOM
 Last First Initial

This is to certify that the agency identified above will assume responsibility for the private detective applicant pursuant to the department rules. I also certify that the private detective, as required by sec. 440.26(4), Stats.:

- Is covered by our agency liability policy.
- Is not covered by our agency liability policy.

Tom Maloney 8/7/95
 SIGNATURE OF AGENCY SOLE PROPRIETOR, OFFICER, PARTNER OR MEMBER Date

Subscribed and sworn before me this 7th day of August, 1995.

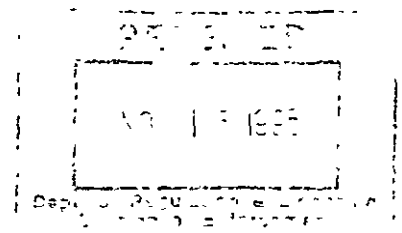
Tina M Olson 12896
 Signature of Notary Public (Seal) Date Commission Expires

State of Wisconsin Department of Regulation & Licensing

IMPORTANT - NOTICES OR REMINDERS

1. If your agency employer does not have a liability policy which covers you and all of its private detectives, you must send evidence of a bond in the amount of \$2,000, effective for the rest of the licensing period which ends on August 31 of even-numbered years.
2. Submit **TWO** fingerprint cards, properly completed pursuant to RL 31.03(1)(b), Wis. Admin. Code.
3. Submit **ONE** recent color photograph of your head and shoulders only.
4. The department does not send an applicant a free copy of the Private Detective Study Manual. You may order a copy by sending a check to the department for \$5.28, payable to the Department of Regulation and Licensing.

24/8/87
8810 17 07.8.1987



State vs Mark R. Masiakowski

JUDGMENT OF CONVICTION AND SENTENCE TO THE COUNTY JAIL/FINE

Date of Birth: 12-20-1963

Case No.: 93CM000189

The Court Jury found the defendant guilty of the following crime(s)

Ct.	Crime(s)	Wis Stat Violated	Plea	Severity	Date(s) Crime Committed
1	Disorderly Conduct [939.05 Party to]	9.01	No Contest	OU	07-31-1993

The defendant is convicted on 02-03-1994 as found guilty and is sentenced as follows:

Ct	Sent. Date	Sentence	Length	CC/CS	Begin date	Begin time	Agency
1	02-03-1994	Forfeiture / Fine					

Obligations:

Ct.	Sentence/Condition	Days to Pay	Due Date	Failure to Pay Action
1				

Ct.	Fine & Assessments	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Witness Surcharge	Totals
1	\$74.00	\$40.00					\$114.00

Total Obligations: \$

It is adjudged that 0 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes

Special Conditions:

It is ordered that the Sheriff shall execute this sentence.

Distribution

Court Original
County Sheriff
Robert A. Kennedy, Judge
Dewitt J. Strong, District Attorney

Steven Garbowicz, deft. atty.

STATE OF WISCONSIN:
VILAS COUNTY : ss.

I, the undersigned, Clerk (Deputy Clerk) of the Circuit Court of Vilas County, WI, do hereby certify that I have compared this document with the original on file and that the same is a full, true and correct copy of said original and of the whole thereof, as the same remains of record in my office.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said

Court this 23 day of Jan, 1994
De Witt J. Strong, Jr.
Clerk (Deputy Clerk) of Circuit Court
Vilas County, WI

BY THE COURT

Jan. N. Numrich, Dep.
Circuit Court Judge/Clerk/Deputy Clerk

Name Printed or Typed

Date
Feb. 3, 1994

EXHIBIT "B"

State vs Mark R. Masiakowski

JUDGMENT OF CONVICTION

Sentence Withheld, Probation Ordered

Date of Birth: 12-20-1963

Case No.: 93CM000189

The Court found the defendant guilty of the following crime(s):

Ct.	Crimes)	Wis Stat. Violated	Plea	Fel. or Misd.	Date(s) Crime Committed
2	Criminal Damage to Property	943.01(1)	No Contest	MA	07-31-1993

IT IS ADJUDGED that the defendant is convicted on 02-03-1994 as found guilty and is sentenced as follows:

Ct	Sent Date	Sentence	Length	CC/CS	Agency
	02-03-1994	Withheld, Probation Ordered	1 YR		PRO

Conditions of Sentence/Probation

Obligations: (Total amounts only)

Fines and Assessments	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Witness Surcharge
					\$50.00

Miscellaneous Conditions:

Ct.	Condition	Comments
	Restitution	, for 1 drivers side window, TBD.
	Court costs (\$20)	

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes

IT IS ORDERED that the Sheriff execute this sentence

BY THE COURT

Parties:
 Robert A. Kennedy, Judge
 Dewitt J Strong, District Attorney
 Steven Garbowicz, deft. atty.

[Signature]
 Circuit Court Judge/Clerk/Deputy Clerk

Feb. 3, 1994

Date

STATE OF WISCONSIN:
 VILAS COUNTY : ss.

I, the undersigned, Clerk (Deputy Clerk) of the Circuit Court of Vilas County, WI, do hereby certify that I have compared this document with the original on file and that the same is a full, true and correct copy of said original and of the whole thereof, as the same remains of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said

Court this 23 day of Jan, 1994
[Signature]
 Clerk (Deputy Clerk) of Circuit Court
 Vilas County, WI

EXHIBIT "C"

STATE OF WISCONSIN

CIRCUIT COURT

VILAS COUNTY

STATE OF WISCONSIN,

Plaintiff,

-vs-

MARK R. MASIAKOWSKI d/o/b 12/20/63
8722 Richardson Plat Road
Minocqua, WI 54548,

Defendant.

SUMMONS

Case No. 93CM189

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, copy of which is attached, has been made before me accusing you of committing the crimes of battery and criminal damage to property, contrary to Sections 940.19(1) and 943.01(1), Wisconsin Statutes;

You are, therefore, summoned to appear before the Circuit Court of Vilas County, at the Courthouse in the City of Eagle River, Wisconsin; to answer said complaint on November 1, 1993, at 10:00 a.m. In case of your failure to appear, a warrant may be issued for your arrest.

Dated: October 14, 1993

Steven M. Lucareli
Vilas County District Attorney
State Bar #1006601

STATE OF WISCONSIN:

VILAS COUNTY

: ss.

I, the undersigned, Clerk (Deputy Clerk) of the Circuit Court of Vilas County, WI, do hereby certify that I have compared this document with the original on file and that the same is a full, true and correct copy of said original and of the whole thereof, as the same remains of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said

Court this 23 day of Jan. 1996

Clerk (Deputy Clerk) of Circuit Court
Vilas County, WI

EXHIBIT "D"

STATE OF WISCONSIN,
Plaintiff,

CRIMINAL COMPLAINT
ISSUED BY DISTRICT ATTORNEY

-vs-

MARK R. MASIAKOWSKI d/o/b 12/20/63 Case No. 93CM
8722 Richardson Plat Road
Minocqua, WI 54548,

ROY A. FAEHNEL d/o/b 11/06/72 Case No. 93CM
8801 Highway J
Woodruff, WI 54568,

Defendants.

COMPLAINANT, on information and belief, being first duly sworn, upon oath, states that the above named defendants, in the County of Vilas, State of Wisconsin:

FOR A FIRST COUNT: On or about July 31, 1993, in the Town of Lac du Flambeau, as party to a crime pursuant to § 939.05, Wis.Stats., did unlawfully cause bodily harm to Matthew Geiger, without his consent and with the intent to cause bodily harm to him, in violation of § 940.19(1), Wis.Stats. Upon conviction of this charge, a Class A misdemeanor, the maximum penalty is a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both. § 939.51(3)(a), Wis.Stats.

FOR A SECOND COUNT: Please note that Count Two pertains only to defendant number one, Mark R. Masiakowski, above. On or about July 31, 1993, in the Town of Lac du Flambeau, did unlawfully, intentionally cause damage to the physical property of Matthew Geiger, to-wit: a 1985 Honda Prelude, without his consent, contrary to § 943.01(1), Wis.Stats. Upon conviction of this charge, a Class A misdemeanor, the maximum penalty is a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both. § 939.51(3)(a), Wis.Stats.

And prays that said defendants be dealt with according to law; and that the basis for the complainant's charge of such offenses is:

Your complainant bases his complaint upon his review of the official officer's report of Tribal Officer Scott Poupart dated July 31, 1993, and the statements of Rebecca Burrell and Matthew Geiger as referenced therein. Your complainant has worked with Officer Poupart, a sworn member of law enforcement who makes his report in the discharge of his official duties and has found him to be truthful and reliable. His reports are believed to be truthful and reliable as records kept in the ordinary course of

EXHIBIT "D1"

business of the Lac du Flambeau Tribal Police Department and generated as reports of criminal investigation. The statements of Rebecca Burrell and Matthew Geiger, ordinary citizens, are believed to be truthful and reliable in that they recount their personal observations of the conduct complained of and, as to Matthew Geiger, as the victim thereof. A copy of said officer's report is attached and incorporated herein by reference.

Caral Krebs
Complainant

Subscribed and sworn to before me
and approved for filing on
October 11th, 1993.

Steven M. Lucareli
Steven M. Lucareli
Vilas County District Attorney
State Bar #1006601

On 07-31-93, at approximately 01:30a.m. We were dispatched to 2823 STH 47, the Burrell residence to investigate a battery complaint. Upon arrival we were met by complainant, who stated that her ex-boyfriend, Mark R. Masiakowski, dob: 12-12-63, had just beat up her current boyfriend, Matthew W. Geiger, dob: 01-02-71.

According to the statements taken, the victim and complainant were out for the evening and returned to her residence. As they rode up the driveway, they both noticed a set of headlights right behind victim's vehicle. Complainant recognized the vehicle behind them as belonging to her ex-boyfriend. Mr Masiakowski exited his truck and began kicking the driver's side window, which victim had locked the door and rolled up the window. After 3 or 4 attempts the window finally shattered. The victim tried to get out the passenger door but Mr Masiakowski ran around the car and began punching victim, as he was exiting, forcing victim back into car. At this time, Mr Masiakowski's friend, a Roy Faehnel (unk dob, with Hwy J residence in Woodruff, was restraining complainant.) Mr Masiakowski began punching victim all around the face and head area approximately 20 times or more. At this time complainant father, Allison P. Burrell, dob: 05-09-22, and mother, LaVerne E. Burrell, dob: 10-18-25, heard the commotion and came outside. Complainant's father told Masiakowski to leave and not to come back. Masiakowski got into his truck with Roy Faehnel and drove off.

As we took statements, I observed a very bruised and swollen area around victim's left eye with some bleeding. I also saw numerous other lumps around face and swelling to his lips. Victim went to Howard Young Medical Center and a release of records was signed. We attempted to locate Mr Masiakowski but attempts were unsuccessful. We alerted Minocqua and Woodruff Police to be on lookout for perpetrator.

end of narrative
see attached statements and release

#262 Officer Scott Foupart, Lac Du Flambeau Tribal Police

RECEIVED

AUG - 4 1993

VILAS COUNTY
DISTRICT ATTORNEY

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

June 18, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law

(b) Some material error of fact

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

5. The savings bank review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.