

# 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  
**MARK S. SWETTERS** :  
RESPONDENT. : LS0603272RSG

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Division of Enforcement Case # 05 RSG 028

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

Mark S. Swetters  
1872 Western Ave.  
Green Bay, WI 54303

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

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

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 the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. The Respondent is Mark S. Swetters, whose most recent address on file with the Department of Regulation and Licensing is 1872 Western Ave., Green Bay, WI 54303. At all times relevant to these facts, Mr. Swetters held Private Security Permit number 108-23115 issued by the Wisconsin Department of Regulation and Licensing.
2. On September 10, 2005, Mr. Swetters had been engaged to watch a house in the owner's absence. During his watch, he confronted a person who was on the premises and showed her his private security permit. The Green Bay police were called for a disturbance call, and Police Officer Fred Laitinen responded. It turned out that the woman had been asked by the owner to watch the pets, without telling Swetters, and the disturbance was resolved, but Officer Laitinen noted that Swetters had been drinking, which Swetters admitted.
3. On a prior occasion in 2002, Mr. Swetters was arrested and convicted of intentionally pointing a firearm at a person. Mr. Swetters was intoxicated at the time of the incident, with a blood alcohol content of .216 g/100mL, though the incident did not occur while Mr. Swetters was employed as a Private Security Person.

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 and Order, pursuant to Wis. Stat. § 227.44(5).

B. Mark S. Swettters performed private detective or private security related services while his ability to competently perform duties was impaired by alcohol use, under Wis. Admin. Code sec. RL 35.01 (1), thereby engaging in conduct reflecting adversely on his professional qualification under Wis. Stat. sec. 440.26 (6) (a) 2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

I. The Respondent, Mark S. Swettters, is hereby REPRIMANDED.

II. Mr. Swettters shall, within 90 days from the date of this order, pay the Division of Enforcement's costs in the amount of of \$269.94. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed 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

III. In the event Mr. Swettters fails to pay costs as ordered, his permit SHALL BE SUSPENDED, without further notice or hearing, until he has complied with the terms of this Order.

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

FOR THE DEPARTMENT OF REGULATION AND LICENSING

By: Celia Jackson, Secretary or designee

3/27/06

Date

IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS :  
AGAINST : STIPULATION  
**MARK S. SWETTERS** :  
RESPONDENT. :

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Division of Enforcement Case # 05 RSG 028

It is hereby stipulated between Mark S. Swettters and John Nicholas Schweitzer, 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. Swettters by the Division of Enforcement (case # 05 RSG 028). Mr. Swettters agrees to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Swettters 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. Mr. Swettters has been offered the opportunity to obtain advice of legal counsel prior to signing this stipulation.

4. Mr. Swettters agrees to the adoption of the attached Final Decision and Order by the Secretary of the Department of Regulation and Licensing. 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. Swettters 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 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 of the Department, or her designee, without the presence of the Respondent, for purposes of speaking in support of this agreement and answering questions that the Secretary or her designee may have in connection with her deliberations on the Stipulation.

7. Mr. Swettters is informed that should the Department adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Mr. Swettters in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

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Mark S. Swettters  
1872 Western Ave., Green Bay, WI 54303  
Private Security Permit # 108-23115

Date

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John Nicholas Schweitzer  
Attorney for the Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date