

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
: LS0611145RSG
TROY C. SCHMIDT. :
RESPONDENT. :

[Division of Enforcement Case File #: 05 RSG 039]

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

Troy C. Schmidt
666 W. 4th Street, Apt. 2
New Richmond, WI 54017

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. Troy C. Schmidt (“Respondent”), date of birth 06/17/72, is licensed as a private security person having license #108 005397. This license was first granted on 09/26/97.
2. The last reported address on file with the Department of Regulation and Licensing (“Department”) for the Respondent is: 666 W. 4th Street, Apt. 2, New Richmond, WI 54017.
3. At all times relevant to this action, the Respondent was employed by Securitas Security Services USA, Inc. (#062 016267; granted: 02/06/03) (“Securitas”). The last reported address on file for Securitas is: 6737 W. Washington Avenue, West Allis, WI 53214.
4. As a private security person licensee, 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.
5. On or about December 1, 2005, the Department received a consumer complaint alleging that while the Respondent was on duty as a security guard at the Polaris Industries in Osceola, Wisconsin, the Respondent had stolen employee badges and placed photos from the badges on a pornographic website. Polaris Industries is a company that specializes in manufacturing engines and components for motorized products.

6. In November of 2005, Polaris Industries was notified by an employee that images of current Polaris employees were posted on a pornographic website. Polaris Industries conducted an investigation and determined that the Respondent had gained access to Polaris company computers which contained photo images of employees that are used to make identification badges. The investigation further determined that the Respondent took the photo images and posted them on various websites.
7. On or about November 2, 2005, the Respondent admitted to posting photographic images of Polaris employees and stated that he would remove the images from the Internet.
8. On or about November 7, 2005, an incident report from Securitas revealed that on November 1, 2005, the Respondent was terminated from his employment with Securitas.
9. 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, Troy C. Schmidt, has violated:
- Wis. Stat. §§ 440.26(6)(a)2.4. and Wis. Admin. Code § RL 35.01 by engaging in conduct that reflects adversely on his professional qualification as a security guard.

ORDER

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

IT IS FURTHER ORDERED, that the VOLUNTARY SURRENDER of Respondent Troy C. Schmidt's RIGHT TO RENEW private security guard license, #108-5397 is hereby accepted for a period of not less than five years.

IT IS FURTHER ORDERED, that Respondent Troy C. Schmidt, 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 05 RSG 039 be, and hereby is, closed as to Troy C. Schmidt.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary

Date: 11/14/06