

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

ROBERTO J. RUHLAND,
RESPONDENT.

:
:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0000728

Division of Enforcement Case Number 09 RSG 027

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

Roberto J. Ruhland
1526 Lincoln St.
Racine, WI 53402

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

Wisconsin 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 disposition of this matter, subject to the approval of the Wisconsin Department of Regulation and Licensing (Department). The Department Secretary or his designee has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Roberto J. Ruhland is licensed in the state of Wisconsin as a Private Security Person, license number 108-37499. This license was first granted to him on 12/17/2008 and is current through 08/31/2012. Mr. Ruhland held Department issued firearms permits for Genesis 2k Inc. and Citywide Public Safety LLC, both from 12/4/2008 until 12/4/2009.

2. The most recent address on file with the Department for Mr. Ruhland is 1526 Lincoln St., Racine, WI 53402.

3. On or about November 5, 2009, Mr. Ruhland notified the Department that he had been convicted of Carrying a Concealed Weapon. The Department subsequently opened a case for investigation.

4. The Criminal Complaint and the Department's investigation revealed that on January 5, 2009, Mr. Ruhland was stopped by a peace officer in Mequon, Wisconsin because the officer observed Mr. Ruhland operating a vehicle with a suspended vehicle registration. During the stop, it was discovered that Mr. Ruhland's operating privileges were also suspended.

5. The officer conducted a search of the vehicle and found a fully loaded semi-automatic Glock .40 caliber handgun in an unlocked center console. Mr. Ruhland told the officer that he was a security guard with Central Protective Services and carried a firearm for his work as a security guard. The Criminal Complaint states that Mr. Ruhland

subsequently authored a letter in which he stated that he had placed the firearm in the center console earlier on that date as he had to disarm himself before going into a store. He then claimed in that letter that he had forgotten the weapon in the vehicle. In that letter he further stated he knew that the handgun must be carried in the trunk, in a safe case and unloaded while off duty.

6. Mr. Ruhland was charged with one misdemeanor count of Carrying a Concealed Weapon and he was convicted of this charge on or about October 16, 2009. A certified copy of the initial Criminal Complaint and a certified copy of the Judgment of Conviction are both attached as **Exhibit A**. Exhibit A is incorporated by reference into this Order.

7. Mr. Ruhland failed to notify the Department of the conviction within 48 hours as is required by Wis. Admin. Code § RL 4.09(2).

8. In resolution of this matter, Respondent Roberto J. Ruhland consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The State of 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 Wis. Stat. § 227.44(5).

2. By the conduct described in paragraphs 7 of the Findings of Facts, Respondent Roberto J. Ruhland violated Wis. Admin. Code § RL 4.09(2) and is subject to discipline pursuant to Wis. Admin. Code § RL 35.01(2) for failing to report a conviction to the Department within 48 hours after the entry of the judgment of conviction.

3. Pursuant to Wis. Admin. Code § RL 34.01(1)(e), Respondent Roberto J. Ruhland shall not carry a firearm and therefore shall not possess a firearms permit as a result of his misdemeanor conviction on October 16, 2009.

4. By the conduct described in paragraph 5 of the Findings of Facts, Mr. Ruhland has violated Wis. Admin. Code § RL 34.01(3) in the following ways: (a) by carrying a firearm while he was not in uniform as a private security person, (b) by carrying a firearm while he was not on duty as a

private security person, and (c) by not satisfying all the required conditions related to carrying a firearm in § RL 34.01(1).

5. By the conduct described in paragraph 5 of the Findings of Facts, Mr. Ruhland has violated Wis. Admin. Code § RL 34.011(1) by transporting a loaded firearm in a vehicle without it being visible in "plain view." In this section, "in plain view" means it is visible from ordinary observation to a person outside the vehicle. A firearm located in a glove compartment, in a briefcase, under a seat of a vehicle, or covered by the clothing of an occupant, is not "in plain view."

6. As a result of the violations noted in the Conclusions of Law, Respondent Roberto J. Ruhland is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1. by being convicted of a misdemeanor and Wis. Stat. § 440.26(6)(a)2. by engaging in conduct that reflects adversely on his professional qualification.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Roberto J. Ruhland's private security license (number 108-37499) shall be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Roberto J. Ruhland's private security license (number 108-37499) is hereby LIMITED in that he may not ever apply for or be granted a firearms permit. Mr. Ruhland is required to submit all indicia of any previously issued firearms permit to the Department Monitor within fifteen (15) days of the date of this Order.

3. Respondent Robert J. Ruhland shall pay COSTS in the amount of FIVE HUNDRED DOLLARS (\$500.00). A payment of FIFTY DOLLARS (\$50.00) shall be paid every thirty (30) days. The first payment shall be due thirty (30) days after the date of this Order.

4. Payment of the costs shall be made by check payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

5. 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 Roberto J. Ruhland's Private Security Person license. The Department's General Counsel, in his 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 Ruhland fails to timely submit payment of the costs or timely submit all indicia of his firearms permit as ordered and as set forth above, the Respondent's license (number 108-37499) may, in the discretion of the Department's

General Counsel, be SUSPENDED, without further notice or hearing, until Respondent Ruhland has complied with payment of the costs and submits any previously issued firearms permit.

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

THE WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By Nick B
Authorized representative for the
Department of Regulation and Licensing

3/18/11
Date