

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DAVID R. KUKLA,	:	
RESPONDENT.	:	
		ORDER 0001105

Division of Enforcement Case No. 10 RSG 046

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

David R. Kukla
1015A Dewitt Street
Portage, WI 53901

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Wisconsin Department of Safety and Professional Services
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 disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent David R. Kukla is licensed in the State of Wisconsin as a Private Security Person, having license number 108-38348, first issued on 05/06/2009 and current through 08/31/2012. Respondent's most recent address on file with the Department is 1015A Dewitt Street, Portage, WI 53901.

2. On or about November 24, 2010, the Department received a complaint alleging that Respondent had reported for work on November 11, 2010 carrying a holstered firearm. The

complaint further alleged that Respondent did not have consent to carry a firearm from the employment agency he was working for.

3. Division of Enforcement Case number 10 RSG 046 was subsequently opened for investigation.

4. The Department's investigation revealed that Respondent reported for work on November 11, 2010 carrying a holstered firearm. The investigation further revealed that:

- a. The circumstances or conditions for Respondent's assignment as a private security person did not give rise for a substantial need for being armed;
- b. The agency at which Respondent was employed did not require Respondent to carry a firearm when acting as a private security person;
- c. The client and agency at which Respondent was employed did not agree in writing that the agency would assign armed security personnel to the client;
- d. Respondent did not comply with all state laws when carrying a firearm; and
- e. Respondent does not possess a firearms permit issued by this Department.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services 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 the Findings of Fact, Respondent David R. Kukla violated Wis. Admin. Code § RL 34.01(1)(a), (am), (b), and (g).

3. As a result of the violations noted in the Conclusions of Law, Respondent David R. Kukla is subject to discipline pursuant to Wis. Admin. Code § RL 35.01(9).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent David R. Kukla (license number 108-38348) is hereby REPRIMANDED.

2. Within 90 days of the date of this Order, David R. Kukla shall pay COSTS of this matter in the amount of TWO HUNDRED SEVENTEEN DOLLARS (\$217.00).

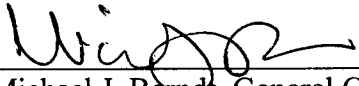
3. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

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

4. 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 submit payment of the costs as ordered and as set forth above, Respondent's license (number 108-38348) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, General Counsel
On Behalf of the Department

9/14/11
Date