

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
MICHAEL S. SOMMERFELD,	:	
RESPONDENT.	:	ORDER 0001293

Division of Enforcement Case Number 10 RAL 009

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

Michael S. Sommerfeld
9980 Sandy Corners Road
Gillett, Wisconsin 54124

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

Wisconsin Department of Safety and Professional Services
Division of Enforcement
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

1. Respondent Michael S. Sommerfeld is licensed in the State of Wisconsin as a Private Detective, having license number 63-11383, first issued on 4/10/2008 and current through 8/31/2012. Mr. Sommerfeld's most recent address on file with the Department is 9980 Sandy Corners Road, Gillett, Wisconsin 54124.

2. On or about 8/29/2010, Mr. Sommerfeld submitted a renewal application to the Department and answered "NO" to the following question:

HAVE YOU BEEN CONVICTED WITHIN THE PAST TWO YEARS OF A FELONY, A MISDEMEANOR OR A VIOATION OF ANY STATE OR LOCAL LAW (OTHER THAN TRAFFIC) THAT IS PUNISHABLE BY A FORFEITURE, OR, ARE CHARGES PENDING? (If YES, provide information.)

3. A Criminal Information Bureau check revealed an OWI conviction for Mr. Sommerfeld within the two years preceding 8/29/2010. The Department subsequently opened this case for investigation.

4. Court records obtained during the course of the Department's investigation revealed that on or about 11/24/2008, Michael S. Sommerfeld was convicted of one count of misdemeanor Operating While Under Influence (2nd Offense) in Washington County, Wisconsin Circuit Court.

5. Mr. Sommerfeld failed to notify the Department of the conviction within 48 hours after the entry of the judgment of conviction.

6. In resolution of this matter, Mr. Sommerfeld consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The State of Wisconsin Department of Safety and Professional Services 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 Michael S. Sommerfeld has engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by violating a law, the circumstances of which substantially relate to the practice of a private security person.

3. By the conduct described in paragraph 5 of the Findings of Fact, Respondent Michael S. Sommerfeld has violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to notify the Department of the conviction within 48 hours after the judgments of conviction.

4. As a result of the violations noted in the Conclusions of Law, Respondent Michael S. Sommerfeld is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a) and Wis. Admin. Code § SPS 35.01.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Michael S. Sommerfeld (license number 63-11383) is hereby REPRIMANDED. -

2. Within ninety (90) days following the date of this Order, Respondent Michael S. Sommerfeld shall pay COSTS in the amount of THREE HUNDRED DOLLARS (\$300.00).


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

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 Michael S. Sommerfeld fails to timely submit payment of the costs as ordered and as set forth above, Mr. Sommerfeld's license (number 63-11383) may, in the discretion of the Department or its designee, 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.

THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

12/29/11
Date