

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
PHILLIP O. WEINHOLD,	:	
RESPONDENT.	:	

ORDER 0001393

Division of Enforcement Case No. 10 RSG 031

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

Phillip O. Weinhold
2707 Pendleton Place
Waukesha, WI 53188

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 Phillip O. Weinhold is licensed in the State of Wisconsin as a Private Security Person, having license number 108-38570, first issued on 06/08/2009 and current through 08/31/2012. Mr. Weinhold's most recent address on file with the Department is 2707 Pendleton Place, Waukesha, WI 53188.

2. On or about August 21, 2010, Mr. Weinhold 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 VIOLATION 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 charges for Mr. Weinhold within the two years preceding August 21, 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 November 18, 2009, Mr. Weinhold was charged with Operating While under Influence (2nd), Operating While Revoked (Rev due to alc/contr subst/refusal), and Operating with PAC .08 or More (2nd), Waukesha County Case Number 2009CT002448, and was subsequently convicted of Operating under Influence (2nd) on or about September 16, 2010.

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

6. Court records obtained during the course of the Department's investigation further revealed that on or about March 8, 2011, Mr. Weinhold was charged with Operating While Revoked (Rev due to alc/contr subst/refusal), Waukesha County Case Number 2011CT000318, and was convicted of the charge on or about July 14, 2011.

7. Mr. Weinhold failed to notify the Department of the conviction within 48 hours after the entry of the judgment of conviction.

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

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 Phillip O. Weinhold has engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by violating laws, the circumstances of which substantially relate to the practice of a private security person.

3. By the conduct described in the Findings of Fact, Respondent Phillip O. Weinhold violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to report his convictions within 48 hours of the judgments of conviction.

4. As a result of the violations noted in the Conclusions of Law, Respondent Phillip O. Weinhold 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 Phillip O. Weinhold (license number 108-38570) is hereby REPRIMANDED.

2. Within 90 days of the date of this Order, Phillip O. Weinhold shall pay COSTS of this matter in the amount of \$205.00.

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 (no. 108-38570) 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, Chief Legal Counsel
On Behalf of the Department

2/24/12
Date