

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
DRIFTTEN S. KITZMAN,	:	
RESPONDENT.	:	ORDER 0001406

Division of Enforcement Case No. 11 RSG 018

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

Drifften S. Kitzman
1302 Shaler Drive
Waupun, WI 53963

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 Drifften S. Kitzman is licensed in the State of Wisconsin as a Private Security Person, having license number 108-26484, first issued on 07/06/2004, and current through 08/31/2012. Mr. Kitzman's most recent address on file with the Department is 1302 Shaler Drive, Waupun, WI 53963.

2. Mr. Kitzman's private security person license expired on September 1, 2008. On or about September 16, 2010, Mr. Kitzman 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 pending charges against Mr. Kitzman. 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 August 2, 2010, Mr. Kitzman was charged with Abuse of Residents of Penal Facilities, Misconduct/Office-Act/Excess Authority, and Battery (Dodge County Case Number 2010CF000236). The Abuse of Residents of Penal Facilities and Misconduct/Office-Act/Excess Authority charges were dismissed. Mr. Kitzman was convicted of the Battery charge on March 29, 2011 and was sentenced to payment of costs and 80 hours community service.

5. Mr. Kitzman 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. Kitzman 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 engaged in conduct which reflects adversely on his 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 the Findings of Fact, Respondent engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(17) by providing false information in the application for a credential.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(4m)(b) and engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to report a conviction to the Department within 48 hours of judgment of conviction.

5. As a result of the violations noted above, Respondent Driften S. Kitzman is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a) and Wis. Admin. Code § RL (now SPS) 35.01.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Private Security Person license of Driften S. Kitzman (license number 108-26484) is hereby SUSPENDED for a period of thirty (30) days beginning fifteen (15) days after the date of this Order.

2. The Private Security Person license of Driften S. Kitzman (license number 108-26484) is LIMITED as follows:

- a. Respondent shall successfully complete 80 hours of community service and pay costs as ordered by Dodge County Circuit Court.
- b. Respondent shall submit proof of completion of the ordered community service and payment of ordered costs in the form of verification from the Dodge County Circuit Court to the Department Monitor's address stated below.
- c. This Limitation shall be removed from Respondent's license after he has satisfied the Department or its designee that he has successfully completed the ordered community service and paid the ordered costs.

3. Within 90 days of the date of this Order, Driften S. Kitzman shall pay COSTS of this matter in the amount of \$270.00.

4. Costs in this matter shall be made payable to the Wisconsin Department of Safety and Professional Services and shall be sent to the Department Monitor at the address below:

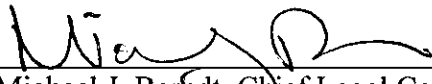
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

5. In the event Respondent Kitzman fails to successfully complete the community service or pay costs as ordered by Dodge County Circuit Court on March 29, 2011, Driften S. Kitzman's license, number 108-26484, may, in the discretion of the Department or its designee, be REVOKED, without further notice or hearing.

6. 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 in this matter as ordered and as set forth above, Respondent's license (no. 108-26484) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. 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

3/2/12
Date