

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JOHN L. STELLMACH,	:	
RESPONDENT.	:	ORDER 0001439

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Division of Enforcement Case No. 10 RSG 019

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

John L. Stellmach  
589 Church Avenue  
Nekoosa, WI 54457

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 John L. Stellmach is licensed in the State of Wisconsin as a Private Security Person, having license number 108-33114, first issued on 04/04/2007 and current through 08/31/2012. Respondent Stellmach's most recent address on file with the Department is 589 Church Avenue, Nekoosa, WI 54457.

2. In August 2010, Mr. Stellmach 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 convictions for Mr. Stellmach within the two years preceding his renewal application. 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 February 25, 2010, Mr. Stellmach was convicted of Operating While under Influence (2nd) and Operating with PAC .08 or more (2nd) in Wood County, Wisconsin (Case Number 2010CT000043).

5. Mr. Stellmach failed to notify the Department of the convictions within 48 hours after the entry of the judgments of conviction.

6. In resolution of this matter, Mr. Stellmach 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 John L. Stellmach 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 John L. Stellmach 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 John L. Stellmach 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. The VOLUNTARY SURRENDER of John L. Stellmach's Wisconsin private detective license (number 108-33114) and the right to renew that license is hereby accepted.

2. John L. Stellmach shall not seek to renew, request reinstatement or re-apply for licensure to practice as a private detective in the State of Wisconsin for a minimum of three (3) years from the date of this Order.

3. In the event that John L. Stellmach seeks to renew or reinstate his license to practice as a private detective in the State of Wisconsin, he shall submit a new application for licensure and meet all then-existing requirements for licensure.

4. If John L. Stellmach ever applies for renewal or reinstatement of his Wisconsin private detective license then he shall pay the costs of investigating and prosecuting this matter, in the amount of FIVE HUNDRED FIFTEEN DOLLARS (\$515.00), before any such application may be considered. Payment of said 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

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'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. r

6. 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

3/22/12  
Date