

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
KEVIN M. BERG,	:	
RESPONDENT.	:	
	:	ORDER 0001529

Division of Enforcement Case No. 11 RSG 006

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

Kevin M. Berg
N64W24450 Main Street, Apt. 14
Sussex, WI 53089

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 Kevin M. Berg (dob 09/25/1980) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-22253, first issued on 10/29/2002, and current through 08/31/2012. Mr. Berg's most recent address on file with the Department is N64W24450 Main Street, Apt. 14, Sussex, WI 53089.

2. On or about August 19, 2010, Mr. Berg 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 a pending charge for Mr. Berg. 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 April 4, 2010, Mr. Berg was charged with Disorderly Conduct and Criminal Damage to Property (Waukesha County Case Number 2010CM000669). Mr. Berg was convicted of the Disorderly Conduct charge on November 15, 2010 and sentenced to pay a forfeiture. The Criminal Damage to Property charge was dismissed but read in.

5. Mr. Berg 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. Berg 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 Kevin M. Berg 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 VOLUNTARY SURRENDER of the Private Security Person license of Kevin M. Berg (license number 108-22253) is hereby ACCEPTED.

2. If Respondent ever seeks to reinstate his license or applies for any other credential regulated by the Department, then he shall pay the costs of investigating and prosecuting this matter, in the amount of \$320.00, before any such application may be considered. 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

3. In the event that Respondent seeks to reinstate his license or applies for a new license, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of his request.


4. Should Respondent seek to reinstate his license or apply for a new license, the Wisconsin Department of Safety and Professional Services may in its sole discretion determine whether, and under what circumstances, a license may be issued.

5. Respondent shall not practice as a private security person in the State of Wisconsin without being licensed as a private security person in Wisconsin.

6. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

5/9/12
Date