

## 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 |
| JONATHAN J. FRANK,               | : |                          |
| RESPONDENT.                      | : | ORDER 0001959            |

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Division of Enforcement Case No. 11 RSG 041

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

Jonathan J. Frank  
3113 90th Street  
Kenosha, WI 53142

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 Jonathan J. Frank (dob 03/18/1984) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-34906, first issued on December 18, 2007 and current through August 31, 2012. Respondent Frank's most recent address on file with the Department is 3113 90th Street, Kenosha, WI 53142.

2. In August 2010, Respondent Frank submitted an online renewal application for his private security person license to the Department and answered "YES" 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. At the time of Respondent Frank's August 2010 renewal, Respondent Frank had pending charges for Operating While under Influence (2nd) and Operating with PAC .08 or More (2nd).

4. In December 2011, the Department's Division of Credentialing referred the matter to the Division of Enforcement noting that Respondent Frank had been convicted of two charges. Division of Enforcement case number 11 RSG 041 was subsequently opened for investigation.

5. On or about February 1, 2012, a Department investigator sent Respondent Frank a letter requesting a response to this matter. Respondent Frank failed to respond to the letter.

6. Court records obtained during the course of the Department's investigation revealed the following convictions for Respondent Frank:

- a. Operating While under Influence (2nd); charged on or about June 1, 2010, convicted on or about January 6, 2011 (Kenosha County Case Number 2010CT000444); and
- b. Operating While under Influence (3rd); charged on or about September 23, 2010, convicted on or about January 6, 2011 (Kenosha County Case Number 2010CM001484)

7. Respondent Frank failed to notify the Department of the convictions within 48 hours after the entry of the judgments of conviction.

8. In resolution of this matter, Respondent Frank 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 Frank engaged in conduct which reflects adversely on his 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 Frank engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § SPS 35.01(23) by failing to timely respond to a request by the Department.

4. By the conduct described in the Findings of Fact, Respondent Frank 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 convictions to the Department within 48 hours of the judgments of conviction.

5. As a result of the violations noted above, Respondent Frank is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1, 2, and 4 and Wis. Admin. Code § SPS 35.01.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The VOLUNTARY SURRENDER of the Private Security Person license of Jonathan J. Frank (license number 108-34906) is hereby accepted.
3. If Respondent Frank 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 \$534.00, 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
4. In the event that Respondent Frank seeks to reinstate his license or applies for a private security person credential, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of his request.
5. Should Respondent Frank seek to reinstate his license or apply for a private security person credential, the Wisconsin Department of Safety & Professional Services may in its sole discretion determine whether, and under what circumstances, a credential may be issued.
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

8/7/12  
Date