

## 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
SCOTTIE A. SMITH,	:	
RESPONDENT.	:	ORDER 0002016

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Division of Enforcement Case No. 12 RSG 018

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

Scottie A. Smith  
2200 W. Kilbourn, #404  
Milwaukee, WI 53233

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 Scottie A. Smith (dob 02/22/1976) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-36917, first issued on September 18, 2008, and current through August 31, 2012. Respondent Smith's most recent address on file with the Department is 2200 W. Kilbourn, #404, Milwaukee, WI 53233.

2. Respondent Smith's private security person license expired on September 1, 2010. On or about April 19, 2012, Respondent Smith submitted a renewal application for his private

security person license to the Department (that was signed by Respondent Smith and dated April 5, 2012) and failed to answer 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 subsequent Criminal Information Bureau check by the Department revealed a conviction for Respondent Smith within the two years preceding April 5, 2012.

4. Court records obtained from Respondent Smith in response to a request by the Department revealed that on December 27, 2011, Respondent Smith was charged with Misdemeanor Disorderly Conduct, Domestic Abuse (Milwaukee County Case Number 2011CM007432).

5. On March 12, 2012, Respondent Smith was convicted of Disorderly Conduct, Domestic Abuse, a misdemeanor.

6. Respondent Smith was sentenced, in part, to 18 months probation and a lifetime firearms or ammunition restriction, for the March 12, 2012 conviction.

7. Respondent Smith failed to notify the Department of the conviction within 48 hours after the entry of the judgment of conviction.

8. On June 13, 2012, Mr. Smith's private security person license was renewed and the matter was referred to the Division of Enforcement.

9. In resolution of this matter, Respondent Smith 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 Smith engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § 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 Smith violated Wis. Stat. § 440.26(4m)(b) and engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § SPS 35.01(2) by failing to report his conviction to the Department within 48 hours of the judgment of conviction.

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

ORDER

1. The attached Stipulation is hereby accepted.
2. The Private Security Person license of Respondent Smith (license number 108-36917) is hereby SUSPENDED for a period of 15 days beginning 15 days after the date of this Order.
3. The Private Security Person license of Respondent Smith (license number 108-36917) is LIMITED as follows:
  - a. Respondent shall successfully complete probation as ordered by the Milwaukee County Circuit Court.
  - b. Respondent shall submit proof of completion of probation in the form of verification from the Milwaukee County Circuit Court to the Department Monitor's address stated below.
  - c. This limitation shall be lifted upon the Department Monitor's receipt of the documentation showing proof of completion of probation.
4. No employer of Respondent Scottie A. Smith may ever apply for or be granted a firearms permit by the Department for Respondent Smith.
5. Respondent Smith shall give a copy of this order to any current or future private detective agency employer.
6. Within 90 days of the date of this Order, Respondent Smith shall pay COSTS of this matter in the amount of \$470.00.
7. Proof of successful completion of probation and costs in this matter (made payable to the Wisconsin Department of Safety and Professional Services) 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

8. In the event Respondent Smith fails to successfully complete the probation as ordered by the Milwaukee County Circuit Court on March 12, 2012, Respondent Smith's license, number 108-36917, may, in the discretion of the Department or its designee, be REVOKED, without further notice or hearing.

9. 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. 108-36917) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

10. 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

8/28/12  
Date