

## 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
JAMES MATTINGLY,	:	
RESPONDENT.	:	ORDER 0002105

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 RSG 040

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

James D. Mattingly  
6850 Novak Road  
Racine, WI 53402

Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
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. James D. Mattingly is licensed in the State of Wisconsin as a Private Security Person, having license number 108-22901, first issued on 02/11/2003, and current through 08/31/2014. Mr. Mattingly's most recent address on file with the Department is 6850 Novak Road, Racine, WI 53402.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On or about July 14, 2010, Mr. Mattingly was charged with Misdemeanor Battery and Misdemeanor Disorderly Conduct, Domestic Abuse Assessments (Racine County Case Number 2010RA005058).

3. On or about July 14, 2010, Mr. Mattingly was suspended without pay from his employment as a private security person.

4. On October 13, 2010, Mr. Mattingly pled guilty to Disorderly Conduct-Misdemeanor. The judgment of conviction was entered by the Circuit Court Branch 4, Racine County, (Case No. 201CM001661).

5. On October 14, 2010, Mr. Mattingly was allowed to return to work for his employer as a private security person.

6. Mr. Mattingly's employer informed him that it was his responsibility to report his conviction to the department as the employer did not report convictions for its employees to the state.

7. There is no record in the department of Mr. Mattingly having reported his pending charges or judgment of conviction.

8. On July 13, 2012, approximately two years after his conviction, Mr. Mattingly renewed his private security permit on-line. In response to the question regarding any misdemeanor, OWI or federal state or local law violations, convictions or pending charges, Mr. Mattingly responded "no."

9. On July 18, 2012, the department wrote a letter to Mr. Mattingly in regard to the receipt of his application for renewal of his private security permit. The department stated that a search of the Wisconsin Crime Information Bureau Reports report indicates that Mr. Mattingly had been convicted of Disorderly Conduct-Misdemeanor in 2010.

10. On July 23, 2012, Mr. Mattingly responded with a letter to the Department stating that he did not intend to be deceptive but that he believed that his employer had reported his conviction and he misunderstood the question on the license renewal form.

11. In resolution of this matter, Mr. Mattingly 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 James D. Mattingly 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 James D. Mattingly violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § SPS 35.01(2) by failing to report a violation to the Department within 48 hours of the judgment finding that he had committed a violation.

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

#### ORDER

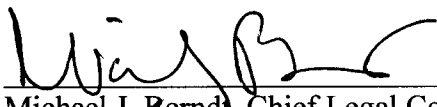
1. Attached stipulation is accepted.
2. The Private Security Person license of James D. Mattingly (license number 108-22901) is **SUSPENDED** for a period of fifteen (15) days. This suspension is deemed **SERVED** as of the date of this Order based upon the fact Respondent Mattingly was on suspended status from his employment as a private security person for the activities described above from July 14, 2010 through October 14, 2010.
3. Within 90 days of the date of this Order, Respondent Mattingly shall pay **COSTS** of this matter in the amount of \$425.00.
4. Payment of 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 Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. 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. 108-22901) may, in the discretion of the Department, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

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

10/25/12  
Date