

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

BRIAN S. JACOBUS,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002214
:

Division of Legal Services and Compliance¹ Case No. 12 RSG 029

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

Brian S. Jacobus
438 Bowlavard Ave.
Belleville, WI 53508

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. Respondent Brian S. Jacobus (dob August 14, 1978) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-7598, first issued on April 29, 1998, and current through August 31, 2014. Respondent's most recent address on file with the Department is 438 Bowlavard Ave., Belleville, WI 53508.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. In August 2012, Respondent submitted an online renewal application for his private security person license and answered "NO" to the following questions:

In the past two years, have you been convicted of a MISDEMEANOR, OPERATING WHILE INTOXICATED (OWI), a VIOLATION of any federal, state or local law, OR are criminal charges or OWI charges currently pending against you in this or any other state?

In the past two years, have you been convicted of a VIOLATION of ANY federal, state or local law or municipal ordinance that is punishable by a fine or forfeiture in this or any other state, OR are federal, state or municipal charges currently pending against you?

In the past two years, have you been convicted of a FELONY in this state or any other state, OR are FELONY charges currently pending against you?

3. A subsequent Criminal Information Bureau check by the Department revealed a conviction for Respondent in June 2011. Division of Legal Services and Compliance Case Number 12 RSG 029 was subsequently opened for investigation.

4. Court records obtained during the course of the Department's investigation revealed that on December 9, 2010, Respondent was charged with misdemeanor Disorderly Conduct (Dane County Case Number 2010CM003561).

5. On June 1, 2011, Respondent was convicted of an amended charge of forfeiture offense Disorderly Conduct. Respondent was ordered to pay a forfeiture.

6. Respondent failed to notify the Department of the conviction within 48 hours after the judgment of conviction.

7. In resolution of this matter, Respondent 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 reflecting 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 violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to report his conviction to the Department within 48 hours after the judgment of conviction.

4. 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 § SPS 35.01(17) by providing false information in the application for a credential.

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

ORDER

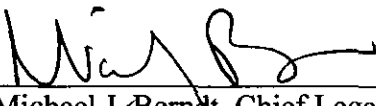
1. The attached Stipulation is accepted.
2. Respondent Brian S. Jacobus is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$362.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and 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. 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 as ordered and as set forth above, Respondent's license (no.108-7598) 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

12/13/12
Date