

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

NICKOLAS J. BERTRAND,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 000227 !

Division of Legal Services and Compliance¹ Case No. 12 RSG 031

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

Nickolas J. Bertrand
3956 S. 92nd St.
Greenfield, WI 53228

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 Nickolas J. Bertrand (dob June 17, 1985) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-38214, first issued on April 22, 2009, and current through August 31, 2014. Respondent's most recent address on file with the Department is 3956 S. 92nd St., Greenfield, WI 53228.

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

2. In July 2012, Respondent submitted an online renewal application for his private security person license and answered "YES" 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. Respondent's private security person license was renewed on August 31, 2012, and the matter was referred Division of Legal Services and Compliance. Case number 12 RSG 031 was subsequently opened for investigation.

4. Court records obtained from Respondent and during the Department's investigation revealed that on or about September 6, 2010, Respondent was issued citations for Prohibited Alcohol Concentration, Operating While Intoxicated and Resist/Obstruct Officer – Physically (Village of Greendale Municipal Court, Incident Number E10028298).

5. On May 19, 2011, Respondent was convicted of non-criminal Prohibited Alcohol Concentration and an amended charge of non-criminal Disorderly Conduct. Respondent was sentenced to pay forfeitures. The Operating While Intoxicated charge was dismissed.

6. Court records obtained from Respondent and during the Department's investigation revealed that on or about August 15, 2011, Respondent was charged with misdemeanor Disorderly Conduct (Milwaukee County Case Number 2011CM004669).

7. On October 14, 2011, Respondent was convicted of an amended charge of a forfeiture offense of Disorderly Conduct. Respondent was sentenced to pay a forfeiture.

8. Respondent failed to notify the Department of the convictions within 48 hours after the judgment of conviction and judgments finding that he committed violations.

9. 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 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 violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to report his convictions to the Department within 48 hours after the judgment of conviction and judgments finding that he committed violations.

4. 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, 2, and 4 and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Nickolas J. Bertrand is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$316.00.


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.108-38214) 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. Berner, Chief Legal Counsel
On Behalf of the Department

1/25/13
Date