

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### **Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEITH A. SCHMIDT,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002411  
:

---

Division of Legal Services and Compliance Case No. 13 RSG 003

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

Keith A. Schmidt  
426 Mill St.  
Tomahawk, WI 54487

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 Keith A. Schmidt (dob January 5, 1981) is licensed in the State of Wisconsin as a Private Security Person, having license number 40424-108, first issued on April 29, 2010 and current through August 31, 2014. Respondent's most recent address on file with the Department is 426 Mill Street, Tomahawk, Wisconsin 54487.

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 pending criminal charge against Respondent.

4. Respondent's private security person license was renewed on September 20, 2012.

5. On January 10, 2013, the matter was referred to the Division of Legal Services and Compliance and Case Number 13 RSG 003 was subsequently opened for investigation.

6. Court records obtained from Respondent's attorney reveal that on or about May 15, 2012, Respondent was charged with felony Physical Abuse of a Child – Intentionally Cause Bodily Harm (Lincoln County Case Number 2012CF000078).

7. On December 14, 2012, Respondent was convicted of amended charges of misdemeanor Disorderly Conduct (2 counts). Respondent was sentenced, in part, to 12 months Probation (stayed) and counseling/education as recommended by agent.

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

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 § 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 engaged in conduct reflecting adversely on his professional qualification pursuant to Wis. Admin. Code § SPS 35.01(17) by providing false information in the application for a credential.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § SPS 35.01(2) by failing to report his convictions to the Department within 48 hours after the judgment of conviction.

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. The Private Security Person license of Keith A. Schmidt (license number 40424-108) is hereby **SUSPENDED** for a period of 20 days beginning 15 days after the date of this Order.

3. The Private Security Person license of Keith A. Schmidt (license number 40424-108) is **LIMITED** as follows:

- a. Respondent shall successfully complete all terms of the sentence or probation ordered by the Lincoln County Circuit Court in case number 2012CF000078.
- b. Respondent shall submit proof of completion of all terms of the sentence or probation in the form of verification from the Lincoln County Circuit Court to the Department Monitor at the address stated below.
- c. This Limitation shall be removed from Respondent's license after he has satisfied the Department or its designee that he has successfully completed all the terms of the ordered sentence or probation.

4. In the event Respondent fails to successfully complete all terms of the sentence or probation as ordered by the Lincoln County Circuit Court in case number 2012CF000078, Respondent's license, number 40424-108, may, in the discretion of the Department or its designee, be **REVOKED**, without further notice or hearing.

5. Within 90 days from the date of this Order, Respondent shall pay **COSTS** of this matter in the amount of \$228.00.

6. 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

7. 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. 40424-108) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

8. 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

4/25/13  
Date