

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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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

MATTHEW D. SWARTZ,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002771

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Division of Legal Services and Compliance Case No. 12 RSG 055

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

Matthew D. Swartz  
6968 W. Norwich St.  
Milwaukee, WI 53220

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 Matthew D. Swartz (dob May 8, 1987) is licensed in the State of Wisconsin as a Private Security Person, having permit number 39020-108, first issued on July 31, 2009 and current through August 31, 2014. Respondent's most recent address on file with the Department is 6968 West Norwich Street, Milwaukee, Wisconsin 53220.

2. In July 2012, Respondent submitted an online renewal application to the Department for his private security person permit 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 convictions for Respondent.

4. Respondent's private security person permit was renewed on December 4, 2012, and the matter was referred to the Division of Legal Services and Compliance. Case number 12 RSG 055 was subsequently opened for investigation.

5. Records obtained from Respondent and court records obtained during the course of the Department's investigation revealed that on or about January 24, 2011, Respondent was convicted of first offense Operating While Intoxicated (West Allis Report Number DWI10609).

6. Records obtained from Respondent and court records obtained during the course of the Department's investigation revealed that on or about May 4, 2011, Respondent was convicted of Operating While Revoked (Rev due to alc/contr subst/refusal) (Milwaukee County Case Number 2011CT000666).

7. Respondent failed to notify the Department of the convictions within 48 hours after the judgments or findings of conviction.

8. 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 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 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 judgments or findings 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 VOLUNTARY SURRENDER of Respondent Matthew D. Swartz's Private Security Person Permit (permit number 39020-108) is hereby ACCEPTED.
3. Respondent shall not re-apply for licensure for a period of two (2) years following the date of this Order.
4. Should Respondent re-apply for licensure:
  - a. Respondent shall pay COSTS of this matter in the amount of \$337.00, before any such application may be considered.
  - b. Respondent shall submit a new application for licensure and meet all requirements for licensure or certification existing at the time of the application.
  - c. The Department may determine whether and under what terms and conditions such licensure may be granted.
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 revocation of Respondent's right to re-apply for licensure. 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.
6. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:   
Michael J. Bernot, Chief Legal Counsel  
On Behalf of the Department

11/20/13  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MATTHEW D. SWARTZ,  
RESPONDENT.

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STIPULATION

ORDER 0002771

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Division of Legal Services and Compliance Case No. 12 RSG 055

Respondent Matthew D. Swartz and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

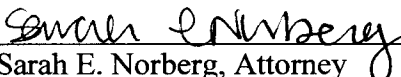
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

  
Matthew D. Swartz, Respondent  
6968 W. Norwich St.  
Milwaukee, WI 53220  
Permit no. 39020-108

11-12-2013  
Date

  
Sarah E. Norberg, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

11.19.13  
Date

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