

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- 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>

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Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

- I. Jim Kaminski (Applicant) has filed an application (# 632261) for a permit to practice as a Private Security Person in Wisconsin.
- II. Information received in the application process reflects that the Applicant has a criminal history that includes the following conviction:
 - A. On or about May 1, 2015 – Disorderly Conduct- Use of a Dangerous Weapon, a misdemeanor in Wisconsin.
- III. Applicant's application contains misrepresentations that contradict the facts of the offense as stated in the police report.
 - A. The Applicant claimed that he was "brake checked" by the victim in this incident and that he did not take his gun out of its holster until he arrived at work to put it into his glove box. In the police report, the victim states that he applied his brakes and drove slowly due to construction, that the Applicant was following very closely behind him (honking at him), and that he saw the Applicant in his rearview mirror holding a gun "sideways between the steering wheel and the rearview mirror." The victim further states that, after he allowed the Applicant to pass him, the Applicant parked his vehicle, exited it, and confronted victim and his passenger son by yelling at them.

CONCLUSIONS OF LAW

- I. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter, pursuant to Wis. Stat. § 440.26.
- II. The facts and circumstances of the violations referenced above substantially relate to the practice of a Private Security Person.
- III. The misrepresentations made by the Applicant constitute grounds for denial of a Private Security Person permit under Wis. Admin. Code §31.05(1)(a).
- IV. Applicant, by his conduct, is subject to action against his license, pursuant to Wis. Stat. §§ 111.335 and 440.26 and Wis. Admin. Code chs. SPS 31 and 35.

ORDER

NOW, THEREFORE, IT IS ORDERED that JIM KAMINSKI is GRANTED a PRIVATE SECURITY PERSON PERMIT subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

Practice Limitations

- A.1. Applicant shall show a copy of this Order to his current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

Reporting Requirements

- A.2. It is Applicant's responsibility to arrange for his security guard supervisor(s) to provide work reports to the Department Monitor on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the Applicant's activities and verify that he is in compliance with the laws governing the practice of a private security person and the terms of this Order.
- A.3. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change. In addition, Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.
- A.4. Applicant is responsible for compliance with all the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall

promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

Department Monitor

- A.5. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
4822 Madison Yards Way., P.O. Box 7190
Madison, WI 53705-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dpsmonitoring@wi.gov

Petitions for Modification

- A.6. Applicant may petition the Department for modification of the terms of this Order after completion of two (2) years of practice in compliance with all terms and conditions of this Order. Applicant's petition must include the Applicant's history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two (2) years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment, and, if applicable, his treatment provider expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.
- A.7. Applicant may petition the Department for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least one (1) year. "Practice in compliance" includes the submission of work reports and/or Treater(s) reports, the content of which are satisfactory to the Department or its designee.

Costs

- A.8. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

- A.9. If Applicant violates any term of this Order, Applicant's credential may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Department may, in addition and/or in the alternative, refer any violation of this

Order to the Division of Legal Services and Compliance for further investigation
and action.

Dated at Madison, Wisconsin this 31st day of October, 2018

Aloysius Rohmeyer

Aloysius Rohmeyer, Chief Legal Counsel

On behalf of the Department of Safety and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR
PRIVATE SECURITY PERSON PERMIT FOR

JIM KAMINSKI,
APPLICANT

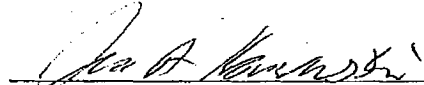
STIPULATION

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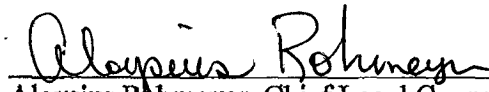
It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Safety and Professional Services (Department) as follows:

- I. The Applicant has filed an application for a Private Security Person permit.
- II. Information received by the Department reflects a basis for denial of the license application.
- III. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a Private Security Person permit, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - a) the right to request a hearing related to the denial of the application;
 - b) assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence:
 - i. the right to confront and cross-examine the witnesses against Applicant;
 - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - iii. the right to testify on Applicant's own behalf;
 - iv. 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;
 - v. the right to petition for rehearing; and
 - c) all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Department's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.


Jim Kaminski, Applicant
3308 Buckingham Drive
Racine, WI 53177
Application no. 632261

10-19-18
Date


Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. BOX 7190
MADISON, WI 53705

10-31-18
Date