

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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

KENNETH L. MCDADE III,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
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**ORDER 0006397**

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Division of Legal Services and Compliance Case No. 18 RSG 016

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

Kenneth L. McDade III  
4911 North 61<sup>st</sup> Street  
Milwaukee, WI 53218

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Kenneth L. McDade III (DOB 5/7/1994) is permitted by the State of Wisconsin as a private security person, having permit number 50728-108, first issued on September 10, 2014 and current through August 31, 2020. Respondent's most recent address on file with the Department is 4911 North 61<sup>st</sup> Street, Milwaukee, Wisconsin 53218.

2. On November 5, 2018, the Department received a complaint alleging that Respondent did not self-report a conviction to the Department. Division of Legal Services and Compliance Case No. 18 RSG 016 was subsequently opened for investigation.

3. On July 17, 2017, Respondent was charged with violating Wis. Stat. § 941.375(2) Throw/Discharge Bodily Fluid at Public Safety Worker, a class I Felony, Wis. Stat. § 946.41(1) Resisting or Obstructing an Officer, a class A Misdemeanor, and Wis. Stat. § 947.01(1) Disorderly conduct, a class B Misdemeanor.

4. On October 10, 2017, Respondent was convicted for violating Wis. Stat. § 946.41(1) Resisting or Obstructing an Officer, a class A Misdemeanor, and Wis. Stat. § 947.01(1) Disorderly conduct, a class B Misdemeanor.

5. On August 8, 2018, Respondent applied to renew his private security person permit with the Department.

6. The permit renewal application asked:

Since your last renewal *or* initial licensure (if this is your first renewal), do you have any pending charges, and/or have you violated any federal or state laws, or any local ordinances (does not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seat belt violations)?

7. On August 8, 2018, Respondent answered the pending charges/law violation question, "No, I do not have pending charges and/or convictions."

8. On August 24, 2018, Respondent reported his October 10, 2017 convictions to the Department.

9. On November 5, 2018, Respondent was found guilty of Operating While Under the Influence in Wauwatosa Municipal Court (Citation Number BB266329-0).

10. On August 15, 2019, Respondent reported his November 5, 2018 conviction to the Department.

11. 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 violated Wis. Stat. § 440.26(4m)(b) by failing to notify the Department of his convictions within 48 hours.

3. By the conduct described in the Findings of Fact, Respondent violated 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 and failing to report his conviction to the Department within 48 hours.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1., 2., 3., and 4. and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Kenneth L. McDade III is REPRIMANDED.
3. Respondent Kenneth L. McDade III's private security person permit (number 50728-108) is SUSPENDED for ten (10) calendar days, beginning ten (10) calendar days after the date of this Order.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$333.
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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>.

5. In the event Respondent violates any term of this Order, Respondent's license (number 50728-108), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board 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.

6. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by: Alo. Rohmeyer  
Aloysius Rohmeyer, Chief Legal Counsel  
On Behalf of the Department

9-6-2019  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KENNETH L. MCDADE III,  
RESPONDENT.

STIPULATION

**ORDER 0006397**

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Division of Legal Services and Compliance Case No. 18 RSG 016

Respondent Kenneth L. McDade III 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.

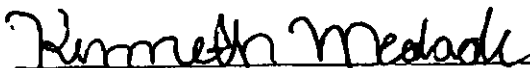
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

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.



Kenneth L. McDade III, Respondent  
4911 North 61<sup>st</sup> Street  
Milwaukee, WI 53218  
Permit no. 50728-108

8/29/19  
Date



Renee M. Parton, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

8/29/2019  
Date