

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 THE APPLICATION FOR
A PRIVATE SECURITY PERSON PERMIT FOR

NICHOLAS G. CADOTTE,
APPLICANT.

:
:
: ORDER GRANTING
: LIMITED PERMIT

:
: **ORDER 0006682**

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

Nicholas G. Cadotte
New Richmond, WI 54017

Department of Safety and Professional Services
4822 Madison Yards Way
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 resolution of this application, subject to the approval of the Department (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Nicholas G. Cadotte (Applicant) (Birth Year: 1985) applied to be permitted by the state of Wisconsin as a Private Security Person having application number 692531, on or about July 19, 2019. Applicant's most recent address on file with the Department is in New Richmond, Wisconsin 54017.

2. Between August 2003 and January 2019, information on file establishes that Applicant has the following violation(s) and/or conviction(s):

- a. On or about August 2003 – Damage to Highway/Vehicle, unknown severity.
- b. On or about May 15, 2008 – 4th Degree Sexual Assault, a misdemeanor conviction and Resisting or Obstructing an officer, a misdemeanor conviction.
- c. On or about October 31, 2016 – Disorderly Conduct, an ordinance violation

d. On or about January 9, 2019 – Operating While Intoxicated (1st), an ordinance violation.

3. The facts and circumstances of your conviction history include but are not limited to the following:

a. In August of 2003, Applicant admitted to shooting semi-trucks and highway signs with a bb gun which caused damage to a passing car.

b. Between December of 2006 and January of 2007, Applicant sexually assaulted a minor, and when initially questioned about the encounter, Applicant lied to police about his contact with the minor.

c. In August of 2016, Applicant got into an argument with his spouse who accused him of grabbing her. Applicant admitted to throwing his phone and drinking during this incident but not to touching his spouse. Applicant's blood alcohol was .24.

d. In December of 2018, Applicant admitted to drinking prior to driving to pick his young children up from day care. Applicant was in an accident in route and his blood alcohol level was .161. As a result, Applicant was required to take a Alcohol and Other Drug Assessment. This assessment concluded a substance abuse issue for which Applicant sought additional treatment which is on-going. Applicant is still serving the conditions of his sentence from this violation.

4. In resolution of this matter, Applicant 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 over this matter, pursuant to Wis. Stat. § 440.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. The facts and circumstances of all four (4) of Applicant's violation/convictions are substantially related to the practice of a Private Security Person. A substantial relationship occurs where "the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed." *County of Milwaukee v. Labor & Industry Review Comm'n*, 139 Wis. 2d 805, 824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g., the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.* These violations and/or convictions demonstrate Applicant's extremely poor judgement, his propensity to damage property, his willingness to endanger the well-being of others, as well as, his dishonest conduct towards authorities. A private security person is likely to encounter situations in the course of his or her employment that he would be entrusted to protect people and property and work closely with law enforcement.

3. Applicant was found to have violated, Wis. Stat § 940.225(3m), 4th Degree Sexual Assault, this is an exempted offense pursuant to Wis. Stat. § 111.335.

4. By the conduct described in the Findings of Fact, Applicant 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.

5. In light of the conduct described in the Findings of Fact and Conclusions of Law, the Department may refuse to issue a Private Security Permit to a person who has been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture pursuant to Wis. Stat. §§ 440.26(2)(c)5., 440.26(5m)(am), and 440.26(6)(a)1., and Wis. Admin. Code § SPS 31.02(3)(a) and subject to Wis. Stat. §§ 111.321, 111.322, and 111.335.

6. Accordingly, Applicant's Private Security Person application is subject to denial pursuant to Wis. Stat. §§ 111.335 and 440.26, and Wis. Admin. Code chs. SPS 31 and 35.

ORDER

1. The attached Stipulation is accepted.

2. Applicant Nicholas G. Cadotte's Private Security Person application (no. 692531) is GRANTED and hereby LIMITED and subject to the following limitations, terms, and conditions from the date of this Order.

Practice Limitations

3. 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

4. It is Applicant's responsibility to arrange for his security 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.

5. 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.

6. 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

7. 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 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

Petitions for Modification or Termination

8. Applicant may petition the Department on an annual basis for modification or termination of the terms of this Order, but no petition for modification or termination shall be considered sooner than two (2) years from the date of this Order. After demonstration of completion of two (2) full years of practice in compliance with all terms and conditions of this Order, Applicant may petition for full licensure as outlined in paragraph A.7. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Department. A denial of such a petition for modification or termination 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.

Costs

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

Suspension

10. 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 19th day of February, 2020

A. 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 THE APPLICATION FOR
A PRIVATE SECURITY PERSON PERMIT FOR

NICHOLAS G. CADOTTE,
APPLICANT.

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:
:

STIPULATION

ORDER 0006682

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

1. This Stipulation is entered into as a result of a review of Applicant's application for a Private Security Person permit. Applicant consents to the issuance of the Order attached as a resolution of that application.

2. Information received by the Department reflects a basis for denial of the license application.

3. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited Permit as a Private Security Person, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.

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

- the right to request a hearing related to the denial of the application assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Applicant;
- the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
- the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

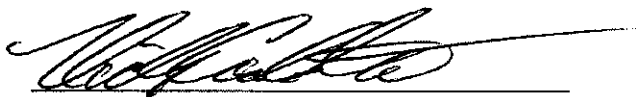
5. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

6. Applicant agrees to the adoption of the attached Order Granting Limited Permit by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting

Limited Permit without further notice, pleading, appearance, or consent of the parties. Applicant waives all rights to any appeal of the Department's order, if adopted in the form as attached.

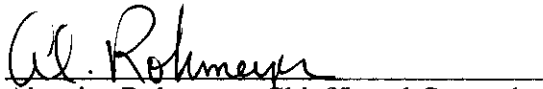
7. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Department for further actions. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration.

8. Applicant is informed that should the Department adopt this Stipulation, the Department's Order Granting Limited Permit is a public record and will be published in accordance with standard Department procedure.



Nicholas G. Cadotte, Applicant
New Richmond, WI 54017
Application no. 692531

2/13/2020
Date



Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190
Madison, WI 53707-7190

2/19/2020
Date