

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 DISCIPLINARY
PROCEEDINGS AGAINST

JAMES T. FAULKNER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0006688

Division of Legal Services and Compliance Case No. 19 RSG 003

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

James T. Faulkner
Milwaukee, WI 53223

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

Division of Legal Services and Compliance
Wisconsin 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 James T. Faulkner (DOB XX-XX-1984) is permitted by the State of Wisconsin as a private security person, having permit number 29740-108, first issued on October 31, 2005 and expired on August 31, 2018. Respondent's most recent address on file with the Department is in Milwaukee, Wisconsin 53223.

2. On July 2, 2019, a complaint was referred to the Division of Legal Services and Compliance (DLSC) alleging that Respondent had been charged with delivering an illegal article to an institution, misconduct in office, strangulation and suffocation, intimidating a

victim/witness with the threat of force, and three counts of second-degree sexual assault by correctional staff.

3. Respondent wishes to resolve DLSC Case No. 19 RSG 003 by the voluntary surrender of his right to renew his private security person permit.

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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew his private security person permit until August 31, 2023.

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent James T. Faulkner's right to renew his private security person permit (number 29740-108) is ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of his private security person permit and his right to practice private security in the state of Wisconsin. The Department will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice private security in the state of Wisconsin.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Al Rohmeyer
Al Rohmeyer, Chief Legal Counsel
On Behalf of the Department

2/21/2020
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES T. FAULKNER,
RESPONDENT.

STIPULATION

ORDER 0006688

Division of Legal Services and Compliance Case No. 19 RSG 003

Respondent James T. Faulkner 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.


James T. Fawcett, Respondent
Milwaukee, WI 53223
Fermil no. 29740-108

1/24/2020
Date


Sarah B. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707 7190

1.24.2020
Date