

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

DEKE D. MILLER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0007139**

Division of Legal Services and Compliance Case No. 18 RSG 018

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

Deke D. Miller
Montello, WI 53949

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 Deke D. Miller (Birth Year 1986) is permitted by the State of Wisconsin as a Private Security Person, having permit number 51241-108, first issued on November 18, 2014 and current through August 31, 2022. Respondent's most recent address on file with the Department is in Montello, Wisconsin.

2. On April 12, 2017, Respondent pled no contest to and was convicted of Disorderly Conduct, a class B misdemeanor, in Richland County Circuit Court Case No. 2016 CM 150, and was placed on probation for one year.

3. The criminal complaint alleged that on November 4, 2016, Respondent's girlfriend (victim) told police that during their relationship, Respondent had yelled at her, threatened her, grabbed her, shoved her into walls, and put all of his weight on her so she could not move. She stated that on October 16, 2016, Respondent had pushed her and she lost her balance and fell and landed on her daughter. He then got on top of her and put his weight on her. She stated she screamed at him to get off of her and pushed him in the chest.

4. According to the criminal complaint, Respondent denied pushing or hurting the victim on October 16, 2016 but admitted he grabbed her and "sat" her on the couch. Respondent told police that the victim had pushed and kicked him during their relationship.

5. According to a letter dated October 25, 2018, from the Wisconsin Department of Corrections (DOC), Respondent successfully completed his term of probation on April 12, 2018. The letter notes that Respondent had also paid all of his court and DOC financial obligations.

6. On September 20, 2018, Respondent reported his conviction to the Department in his application for renewal of his private security permit.

7. According to the Wisconsin Consolidated Court Automation Programs (CCAP) website, on June 13, 2020, Respondent was found guilty of Contributing to Truancy, a forfeiture, in 19 FO 66. Respondent did not report this finding to the Department.

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 Deke D. Miller violated Wis. Stat. § 440.26(4m)(b) and 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 and failing to report his conviction to the Department within 48 hours after the entry of the judgment of conviction.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Deke D. Miller is REPRIMANDED.

3. Deke D. Miller shall pay COSTS of this matter in the amount of \$472, according to the following payment schedule:

- a. Within 90 days from the date of this Order, Respondent shall make a payment of \$125.
- b. Within 120 days from the date of this Order, Respondent shall make a payment of \$125.
- c. Within 150 days from the date of this Order, Respondent shall make a payment of \$125.
- d. Within 180 days from the date of this Order, Respondent shall pay the entire remaining balance of the costs of this matter.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's permit (no. 51241-108), or Respondent's right to renew his permit, 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 Rohnmeyer
Aloysius Rohnmeyer, Chief Legal Counsel
On Behalf of the Department

1/3/2021
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEKE D. MILLER,
RESPONDENT.

STIPULATION

ORDER 0007139

Division of Legal Services and Compliance Case No. 18 RSG 018

Respondent Deke D. Miller 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 and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

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.

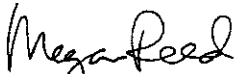
8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.



Deke D. Miller, Respondent
Montello, WI 53949
Credential No. 51241-108

12/21/2020

Date



Megan S. Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

12/21/2020

Date