

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MANUEL A. MUNOZ,  
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0008761

Division of Legal Services and Compliance Case No. 20 RSG 013

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

Manuel A. Munoz  
Oshkosh, WI 54902

Wisconsin Department of Safety and Professional Services  
P.O. Box 8366  
Madison, WI 53708-8366

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

FINDINGS OF FACT

1. Respondent Manuel A. Munoz (Birth Year 1993) is permitted by the State of Wisconsin as a private security person, having permit number 50903-108, first issued on October 6, 2014 and current through August 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Oshkosh, Wisconsin 54902.

2. On August 12, 2020, Respondent applied to renew his credential, and disclosed that he had a prior conviction and a pending charge. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 RSG 013 for investigation.

3. On October 19, 2018, Respondent was arrested for Possession of a Controlled Substance.

4. On March 13, 2019, Respondent pled guilty to Possession of a Controlled Substance, a misdemeanor, in Winnebago County Circuit Court Case No. 18 CM 1449. Respondent was not convicted at the time, but instead entered into a Deferred Adjudication Agreement (DAA) for 18 months.
5. On December 13, 2019, Respondent was arrested for Possession of Narcotic Drugs.
6. On January 16, 2020, as a result of the new arrest, Respondent's DAA was revoked and he was convicted in Winnebago County Circuit Court Case No. 18 CM 1449. He was sentenced to pay a fine.
7. On February 3, 2020, Respondent pled guilty to Possession of Narcotic Drugs, a felony, in Winnebago County Circuit Court Case No. 19 CF 704. Respondent was not convicted at the time, but instead entered into a DAA for 18 months.
8. On August 12, 2020, in his application to renew his private security permit, Respondent reported the conviction in 18 CM 1449 and the pending charge in 19 CF 704.
9. On January 20, 2021, the Department mailed a letter to Respondent at his address of record to request additional information. No response was received.
10. On February 4, 2021, the Department mailed a letter to Respondent at his address of record to request additional information. No response was received.
11. On February 8, 2021, one of the Department's letters was returned to sender by the post office. The letter was stamped by the post office "Unable to forward."
12. On May 10, 2021, the Department mailed a letter to Respondent at an alternate address to request additional information. No response was received.
13. On July 22, 2021, the Department mailed a letter to Respondent at an alternate address to request additional information. No response was received.
14. On July 22, 2021, the Department mailed a letter to Respondent at another alternate address to request additional information. No response was received.
15. On August 3, 2021, the Department's July 22, 2021 letter was returned to sender by the post office.
16. On August 5, 2021, the charges against Respondent in Winnebago County Circuit Court Case No. 19 CF 704 were dismissed after Respondent completed the DAA.
17. On August 9, 2021, the Department mailed a letter via certified mail to Respondent at an alternate address to request additional information. No response was received.
18. On August 17, 2021, the Department received the certified mail receipt from the August 9, 2021 letter. The letter was signed by the mail carrier with a delivery date of August 12, 2021.

19. On August 31, 2021, the Department mailed a letter to Respondent at an alternate address to request additional information. No response was received.

20. On September 17, 2021, the Department emailed Respondent at an email address listed on the Conviction and Pending Charges form to request additional information. No response was received.

21. On October 5, 2021, the Department emailed Respondent at an email address listed on the Conviction and Pending Charges form to request additional information.

22. On October 18, 2021, Respondent responded to the Department. Respondent stated that he did not report his pending charge within 48 hours because he did not know he had to report it until he renewed his credential. He also stated that he had informed his employer of his pending charge and was told he did not need to do anything further.

23. 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 in writing regarding a felony or misdemeanor conviction within 48 hours after the entry of the judgment of conviction.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.11(1) by failing to notify the Department of his current mailing address within 30 days of changing addresses.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.20(5)(a) by failing to respond to a request for information from the Department within 30 days.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1. and 4.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Manuel A. Munoz is REPRIMANDED.

3. Respondent Manuel A. Munoz shall pay the COSTS of this matter in the amount of \$652 pursuant to the following schedule:

| <u>Payment Date</u> | <u>Amount</u> |
|---------------------|---------------|
| September 16, 2022  | \$55          |
| October 16, 2022    | \$55          |
| November 16, 2022   | \$55          |
| December 16, 2022   | \$55          |
| January 16, 2023    | \$54          |
| February 16, 2023   | \$54          |
| March 16, 2023      | \$54          |
| April 16, 2023      | \$54          |
| May 16, 2023        | \$54          |
| June 16, 2023       | \$54          |
| July 16, 2023       | \$54          |
| August 16, 2023     | \$54          |

4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Payment may also be submitted 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 (number 50903-108), or Respondent's right to renew his permit, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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.

6. 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

8/3/2022  
Date

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MANUEL A. MUNOZ,  
RESPONDENT.

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:

STIPULATION

**ORDER 0008061**

Division of Legal Services and Compliance Case No. 20 RSG 013

Respondent Manuel A. Munoz 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.

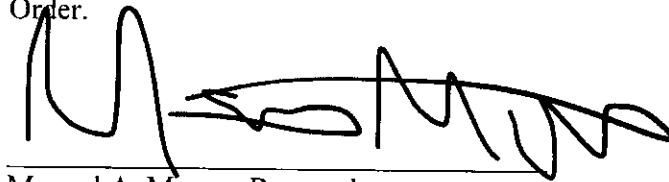
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the

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.

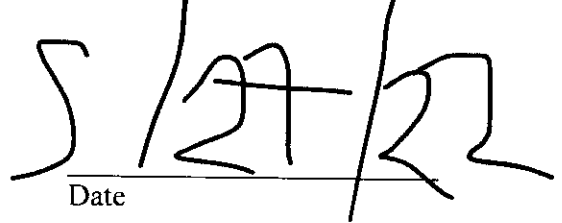

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, 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.



Manuel A. Munoz, Respondent  
Oshkosh, WI 54902  
Credential No. 50903-108

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

05/30/2022  
Date