

Revoked: A Cautionary Tale

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Wisconsin Radioactive Materials Program

August 13, 2025



WISCONSIN DEPARTMENT
of HEALTH SERVICES

Agenda

Timeline



Inspection History



Legal Process



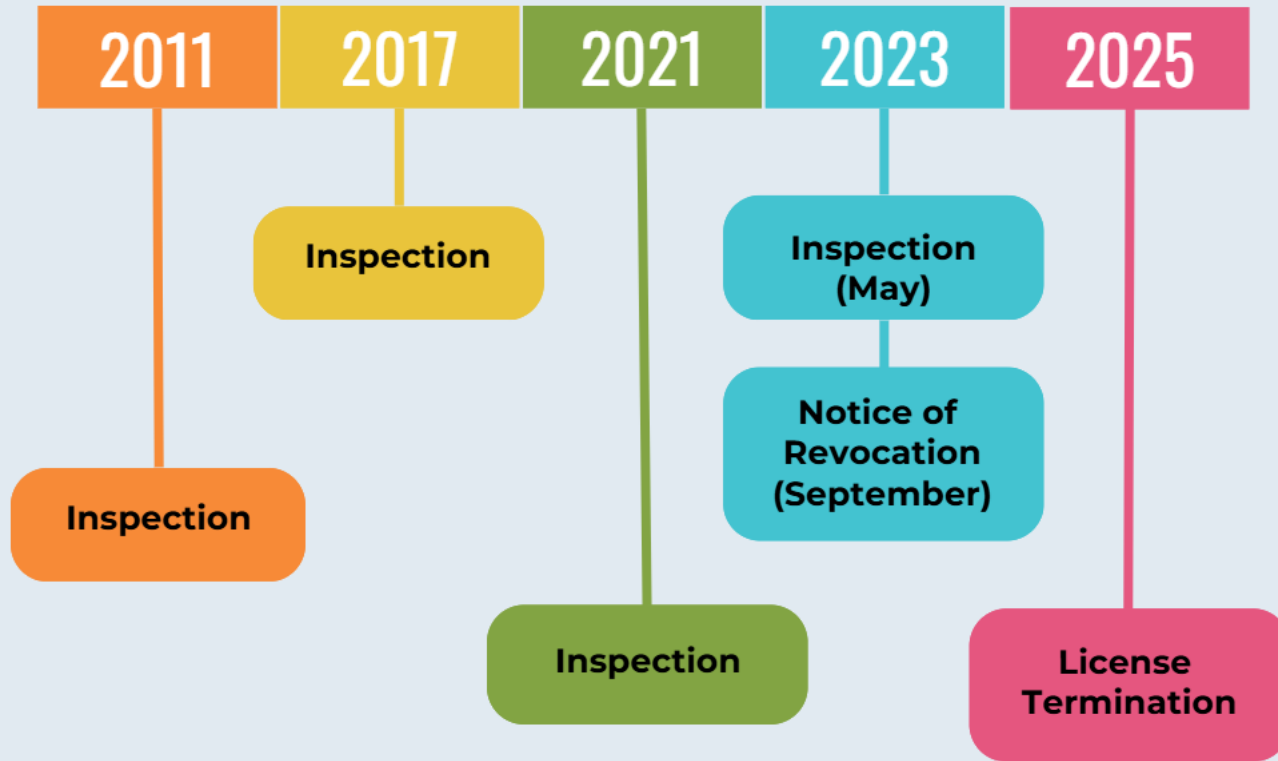
Lessons Learned

License Summary

- Licensee since 2005
- Niton Corporation Model XLp X-ray Fluorescence Analyzer (XRF)
- Small business
- Residential storage location



Timeline



2011 Inspection Findings



- ❌ No annual audits completed
- ❌ No DOT/HAZMAT training
- ⚠️ No timely response to violations
- ⚠️ Ignored communications
- ✅ Confirmatory Action Letter issued

2017 Inspection Findings

- ✘ No annual audits completed (repeat violation)
- ✘ No DOT/HAZMAT training (repeat violation)
- ✘ No UN 2911 on transport case
- ✘ No procedures available at jobsite
- ! No timely response to violations
- ! Ignored communications
- ! Response contested the findings

2021 Inspection Findings

- ❌ No DOT/HAZMAT training (repeat violation)
- ✅ Three prior violations closed
- ❗ Ignored invitations to Pre-decisional Enforcement Conference
- ✅ Forfeiture issued and paid



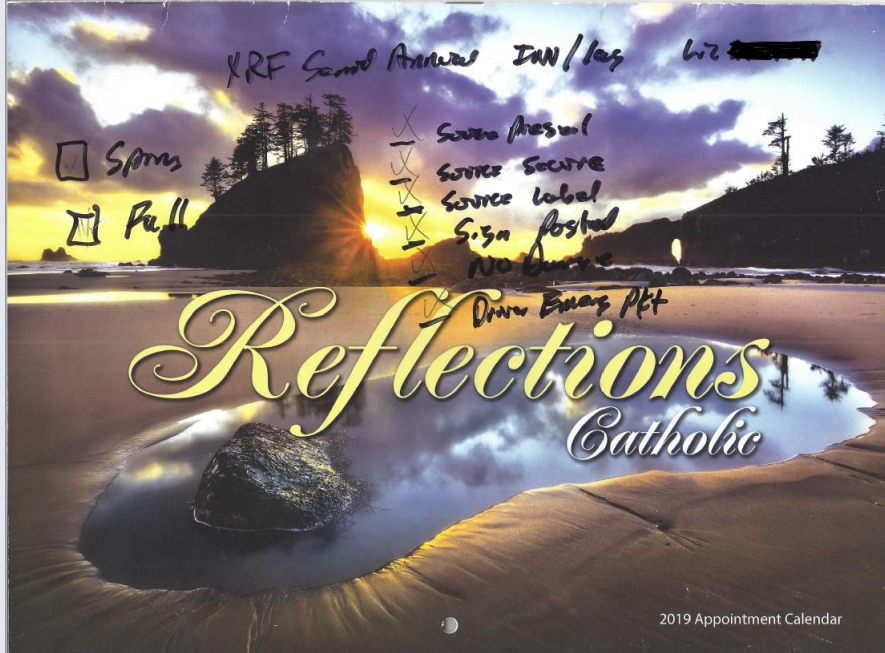
2023 Inspection Arrival



2023 Inspection Contact







2023 Inspection "Interview"



The Lord is good to those who trust in him,
to the one that seeks him.
Lamentations 3:25

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
MAY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	JULY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31		Check Your Current Diocesan Regulations for Holy Days of Obligation			1 Red St. Justin, M — M
2 White SEVENTH SUNDAY OF EASTER (In Ecclesiastical Provinces Observing THE ASCENSION OF THE LORD — S (In Other U.S. Ecclesiastical Provinces Observe))	<i>Packed Center</i> 3 Red	4 White	5 Red	6 White/White	7 White	8 White
9 Red	10 Green	11 <i>Monroe</i> 11 Red <i>Monroe</i>	12 Green	13 White	14 Green	15 Green/White
FATHER'S DAY	(Fifth Week in Ordinary Time)	St. Barnabas, Ap — M	St. Basilica, IM — M	St. Mark's, B — (M)	St. Anthony of Padua, Pr D — M	Blessed Virgin Mary — (M)
16 White	17 Green	18 Green	19 Green/White	20 Green	<i>Arca</i> 21 White	22 Green/White/Red/White
THE MOST HOLY TRINITY — S	(Sixteenth Week in Ordinary Time)	St. Remigius, Ab — (M)	St. Remigius, Ab — (M)	St. Alkybas Gonzaga, R — M	St. Alkybas Gonzaga, R — M	St. Pauline of Nola, B — (M) St. John Fisher, B and Thomas More, IM — (M) Blessed Virgin Mary — (M)
23 White THE MOST HOLY BODY AND BLOOD OF CHRIST — S (Corpus Christi)	24 White	25 Green	26 Green	27 Green/White	28 White	29 Red
30 Green THIRTEENTH SUNDAY IN ORDINARY TIME	St. Jean-Baptiste Day (Canada) THE BIRTH OF ST. JOHN THE BAPTIST — S	(Seventeenth Week in Ordinary Time)		St. Cyril of Alexandria, B — (M)	THE MOST SACRED HEART OF JESUS — S	Sts. PETER and PAUL, Ap — S

2023 Inspection Results

-  Failure to afford the department access at all reasonable times (Severity Level 1)
-  Failure to submit a plan of corrective actions within reasonable time frame (Severity Level 3)
-  Failure to maintain legible records (Severity Level 4)
-  License Revocation

Revocation

Enforcement Action

Under the authority of Wis. Admin. Code DHS § 157.13(16), DHS is revoking Radioactive Materials License [REDACTED], issued to [REDACTED] for repeated failures to comply with numerous Wis. Admin. Code ch. DHS 157 regulations resulting in a pattern of conduct that constitutes an unreasonable risk to the health or safety of persons or the environment.

You have the right to appeal the revocation. A written request for a hearing must be received by the Department within 10 calendar days after receipt of this notice.

Revocation

Sent: Friday, September 22, 2023 8:45 AM

Hi Megan,

I received this notice and sorry to have caused concerns. I would like to promptly document activities and inspections beyond my calendar of activities of the XRF for this one person show. Could you please provide the XRF specific forms or examples to document the use and maintenance of the XRF?

What further actions do I need to take and show that I am in compliance.

Thank You,

Petition for hearing

Received
OCT 05 2023

“We request a ruling by an Administrative Judge.

We believe that compliance has been maintained and that there was no noncompliance with regards to the most current violations.

We are seeking to maintain our license for the XRF to ‘protect your kids and out environment.’”

Petition dismissed

Administrative Law Judge:

“The request for hearing was not timely filed.

IT IS ORDERED that the petition for review is
DISMISSED.”

Circuit court appeal dismissed

“It is ordered that the decision...dismissing as untimely Petitioner’s Request for Hearing to review the Department’s revocation of Petitioner’s radioactive material license is affirmed.”

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL

Notification

You're getting a shipment



FedEx Tracking <TrackingUpdates@fedex.com>

To ○ Paulson, Mark D - DHS

Notification

“On Friday, September 20, 2024, the Department received a FedEx package originating from your address...The Department did not consent to receive or store your XRF device.”

De-sourcing

From: Do Not Reply <aig.sfdc@thermofisher.com>

Sent: Thursday, May 15, 2025 10:23 AM

To: Paulson, Mark D - DHS <Mark.Paulson@dhs.wisconsin.gov>; [REDACTED]@thermofisher.com

Subject: Ship Notification: Niton XLp 703A Lead Paint and Multi Element Thin and Bulk Sample, SN 7799 - REF: SE-2501440015

This notification is to inform you that all authorized repairs on your Thermo Scientific , SN have been completed, and the unit has been shipped back to you.

Thank you again for your continued business.

Enforcement Actions



- Confirmatory Action Letter sent
- Violations escalated
- Inspection frequency reduced
- Pre-decisional enforcement conference offered
- Forfeiture assessed
- License revoked

Lessons Learned

Recognize
trends early

Explore
enforcement
tools

Human
dynamics

Legal
process
timeline

How to
revoke
licenses

Revoke vs.
terminate

Questions



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