

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN

BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION FOR A PRIVATE SECURITY PERMIT

JOSEPH WALTON,

APPLICANT

**NOTICE OF DENIAL
OF APPLICANT'S
REQUEST FOR HEARING
AND ORDER
LS 0002101RSG**

Division of Enforcement Case No. 99 RSG 061

TO: Joseph Walton

2370 N.9th St.

Milwaukee, WI 53206

PLEASE TAKE NOTICE THAT the applicant's request for a hearing on the Department of Regulation and Licensing's (hereinafter "Department") December 2, 1999, Notice of Denial of application for a Private Security Permit in the state of Wisconsin is DENIED.

Based upon the record in this matter, the Department makes the following:

FINDINGS OF FACT

1. On or about November 10, 1999, Joseph Walton submitted an application for a Private Security Permit. A true and correct copy of Mr. Walton's application file is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.
2. In Mr. Walton's original application materials, he indicated "No" in response to the following question:
Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state, OR are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252.
3. A search of the records of the Crime Information Bureau (CIB) in the Department of Justice indicates a felony conviction and other crimes.
4. On or about December 2, 1999, The Department of Regulation and Licensing denied Mr. Walton's application for licensure based on its determination that Mr. Walton had been convicted of a felony.
5. The findings set forth above are not contested in the applicant's request for hearing.
6. The applicant's request for hearing does not contain an allegation of any error of fact or of law for his claim that the denial of his application should be overturned.

CONCLUSIONS OF LAW

1. Based upon the application record and applicant's request for hearing, there exists no issue of material fact'

upon which a hearing is warranted.

2. Applicant's request for hearing does not contain the elements required by administrative code to mandate the grant of a hearing in this matter."

3. The applicant's criminal record, which includes a felony conviction, constitutes a bar to the issuance of a security guard permit under section 440.26(5m)(2) of the Wisconsin statutes."

ORDER

1. Based upon the record in these proceedings, it is ordered that the applicant's request for hearing is **DENIED**, and no hearing shall be scheduled.

2. The application of Joseph Walton for a Private Security Permit is **DENIED**.

3. This document constitutes the Department's Final Decision and Order in this matter.

Dated this 10th of February, 2000.

DEPARTMENT OF REGULATION AND LICENSING

Marlene A. Cummings

On Behalf of the Department

Sec. 227.42, Stats., provides:

Right to hearing. (1) In addition to any other right provided by law, any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if.

(a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;

(b) There is no evidence of legislative intent that the interest is not to be protected;

(c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction. and

(d) There is a dispute of material fact.

" Wis. Admin. Code § RL 1.07 provides in pertinent part:

Request for Hearing.... The request [for hearing] shall ... set forth all of the following:

(3) A specific description of the mistake in fact or law which constitutes reasonable grounds for reversing the decision to deny the application for a credential. If the applicant asserts that a mistake in fact was made, the request shall include a concise statement of the essential facts which the applicant intends to prove at the hearing. If the applicant asserts a mistake in law was made, the request shall include a statement of the law upon which the applicant relies.

Wis. Admin. Code § RL 1.08(l) provides in pertinent part:

A request shall be granted if requirements in s. RL 1.07 are met

Sec. 440.26(5m), Stats. , provides in pertinent part:

Private security permit. (a) The department shall issue a private security permit to an individual if all of the following apply:

2. The individual has not been convicted in this state or elsewhere of a felony, unless he or she has been pardoned for that felony.