

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

IN THE MATTER OF THE :

**DISCIPLINARY PROCEEDINGS
AGAINST**

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FINAL DECISION AND ORDER

**WISCONSIN POLICE SERVICES,
LLC, and ROBERT S. PETROFF**

LS0605152RSG

RESPONDENTS.

Division of Enforcement File No.s : 03 RSG 023, 04 RSG 001, and 04 RSG 002

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Robert S. Petroff
4650 South 50th Street
Greenfield, WI 53220

Wisconsin Police Services, LLC
4650 South 50th Street
Greenfield, WI 53220

Department of Regulation and Licensing
Office of the Secretary
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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 Secretary of the Department of Regulation and Licensing (“Secretary”) or her designee. The Secretary or designee has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary or designee in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent **Robert S. Petroff** (“Petroff”), whose date of birth is November 14, 1965, and whose address of record with the Department of Regulation and Licensing (“Department”) is 4650 S. 50th Street, Greenfield, WI 53220, holds a certificate as a Private Security Person, having license # 108-23285. The license was first granted on April 9, 2003, and will expire on August 31, 2006.

2. Respondent **Wisconsin Police Services, LLC**, (“WPS”) was a Wisconsin licensed Private Detective Agency, having license # 62-16319. The license was first granted on 8/14/2003 and expired on 8/31/2004. WPS’s last reported address on file with the Department of Regulation and Licensing was 2526 West Bolivar, Milwaukee, WI 53221. At all times relevant hereto Petroff was the owner of WPS.

Count I: 04 RSG 001

3. At all times relevant hereto W.T. held a permit as a private security guard. From November 2003 to January 2004 W.T. worked for WPS as a private security guard, without a firearm.

4. The Department was not informed by WPS or Petroff that W.T. worked as a private security guard for WPS prior to the investigation of this and related matters by the Department.

Count II: 04 RSG 002

5. At all times relevant hereto E.W. held a permit as a private security guard and a firearms permit. On December 30, 2003, E.W. began working for WPS as an armed private security person.

6. Department records show that Petroff and WPS informed the Department that January 16, 2003, was E.W.’s first day of work for WPS. Department records further show that E.W.’s firearms permit was first affiliated with WPS on January 16, 2003.

7. Per Wis. Admin. Code § RL 32.05(2), “A private detective agency shall notify in writing within 5 days of any change in the information which the agency has provided the department pursuant to s. 440.26 (5), Stats.”

8. Per Wis. Stat. § 440.26(5)(b): “2. The private detective agency furnishes an up-to-date written record of its employees to the department. . . 3. The private detective agency notifies the department in writing within 5 days of any change in the information under subd.2. regarding its employees. . .”

9. Per Wis. Admin. Code § RL 34.015: “(1) An agency shall apply to the department for a permit to authorize any of its employees to carry a firearm when assigned to do so by the agency. . . (3) A permit shall be valid only while the owner or employee performs private security services for the agency to which the permit was granted. When an owner or employee transfers employment to another agency, the other agency shall obtain a new permit before requiring or permitting the owner or employee to carry a firearm.”

10. Per Wis. Admin. Code § RL 35.01, “The department may. . . limit, suspend or revoke a credential, or reprimand a credential holder upon proof that the credential holder or any owner of an agency has engaged in conduct reflecting adversely on professional qualification. Conduct reflecting adversely on professional qualification includes, but is not limited to, any of the following: . . . (2) Violating, or aiding and abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective or private security person. . . (9) Violating any rule in chs. RL 30 to 35.”

CONCLUSIONS OF LAW

1. The State of Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6) and Wis. Admin. Code § RL 35.01, and is authorized to enter into the attached Stipulation pursuant

to Wis. Stat. § 227.44(5).

2. By failing to inform the Department that W.T. was employed as a security guard within 5 days Respondent WISCONSIN POLICE SERVICE, LLC, acted contrary to Wis. Admin. Code § RL 35.01(9), and, Respondent ROBERT S. PETROFF as owner of WSP acted contrary to Wis. Admin. Code § 35.01, thereby subjecting themselves to discipline per Wis. Admin. Code § RL 35.01.

3. By failing to inform the Department that E.W. was employed as a security guard within 5 days Respondent WISCONSIN POLICE SERVICE, LLC, acted contrary to Wis. Admin. Code § RL 35.01(9), and, Respondent ROBERT S. PETROFF as owner of WSP acted contrary to Wis. Admin. Code § 35.01, thereby subjecting themselves to discipline per Wis. Admin. Code § RL 35.01.

4. By assigning E.W. to work as an armed security guard when E.W. did not hold a firearms permit enabling him to perform such work for WSP, Respondent WISCONSIN POLICE SERVICE, LLC, and Respondent ROBERT S. PETROFF each violated Wis. Admin. Code § RL 34.015 (1) and (3), contrary to Wis. Admin. Code § RL 35.01(9), thereby subjecting themselves to discipline per Wis. Admin. Code § RL 35.01.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the right to renew private detective agency license #62-16319, issued to WISCONSIN POLICE SERVICES, LLC, is ACCEPTED.

2. The private security guard permit of ROBERT S. PETROFF is hereby REPRIMANDED.

3. The private security guard license of ROBERT S. PETROFF shall further be LIMITED for a period of not less than three (3) months, beginning April 30, 2006, as follows:

a. Robert S. Petroff ("Petroff") is prohibited from acting as a supervisor of any licensed private detective or licensed private security guard. For purposes of this limitation, "acting as a supervisor" includes, but is not limited to, involvement by Petroff in any of the following: the decision to hire, fire, or discipline any licensed private detective or licensed private security guard; training of any such person; seeking or verifying the licensure of any such person; ensuring that any such person is present at any work assignment and/or performing any function of the assignment correctly; and any other on or off jobsite activity that requires Petroff to review paperwork or activities related directly or indirectly to the activities of other licensed private security guards or licensed private detectives.

b. Petroff shall supply a copy of this Order to any person who employs him as a licensed private security guard.

c. Petroff shall notify the Department of Regulation and Licensing of the name, address and telephone number of any person or entity that employs him as a licensed private security guard within seven (7) days of accepting employment.

d. Petroff may petition the Secretary of the Department for removal of the limitation no earlier than 3 months after initiation of the limitation. Any such petition must include substantial evidence of Petroff's rehabilitation, and shall include, at a minimum:

(1) Evidence of completion of no less than 8 hours of coursework during the period of limitation directly related to the profession of private security and/or private detective in the area of supervision or management of a private security or private detective agency.

e. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Petroff shall not have a right to any further hearings or proceedings on the denial.

4. IT IS FURTHER ORDERED that ROBERT S. PETROFF, shall, within one year of the date of this Order, pay **COSTS** of this proceeding in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264

5. Violation of any of the terms of this Order by Robert S. Petroff may be construed as conduct imperiling public health, safety and welfare and shall result in the immediate suspension of Petroff's Wisconsin private security person permit (#108-23285).

6. Case No. 03 RSG 023 is hereby closed because there is Insufficient Evidence to meet the standard of proof that a violation occurred.

7. This Order is effective on the date of signing.

By: Celia M. Jackson
Secretary

7/13/06
Date

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS :

AGAINST :

STIPULATION

**WISCONSIN POLICE SERVICES,
LLC, and ROBERT S. PETROFF**

LS _____

RESPONDENTS.

Division of Enforcement File No.s : 03 RSG 023, 04 RSG 001, and 04 RSG 002

It is hereby stipulated and agreed, by and between Robert S. Petroff, Respondent, on his own behalf and on behalf of Wisconsin Police Services, LLC, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensures by the Division of Enforcement (Case No.s 03 RSG 023, 04 RSG 001 and 04 RSG 002). Respondents consent to the resolution of this matter by stipulation.

2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondents have been provided with the opportunity to confer with legal counsel prior to signing this Stipulation.

4. 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. Respondents waive all rights to any appeal of the Secretary of the Department of Regulation and Licensing's order, or that of her designee, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Secretary or her designee, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Secretary or her designee, the parties agree not to contend that the Secretary or her designee has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the advisory board member assigned as case advisor in this investigation may appear before the Secretary or her designee in open or closed session, without the presence of the Respondents or their attorney(s), for purposes of speaking in support of this agreement and answering questions that the Secretary or her designee may have in connection with deliberations on the Stipulation.

7. Respondents are informed that should the Secretary or her designee adopt this Stipulation, the Secretary's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondents in recommending the Secretary or her designee adopt this Stipulation and issue the attached Final Decision and Order.

**ROBERT S. PETROFF, on his own
behalf and on behalf of WISCONSIN
POLICE SERVICES, LLC,**
4650 South 50th Street
Greenfield, WI 53220

Date

MARK A. HERMAN
Attorney, Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Date

[Voluntary Surrender, Reprimand, Limitation and \$500.00 Costs.]