

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 : FINAL DECISION AND ORDER
: AS TO RESPONDENT
MJ PROTECTION & INVESTIGATION LLP, : MICHAEL L. WALDEN
MICHAEL L. WALDEN, :
ANGEL L. MONTERO, :
THOMAS M. BRUSKY AND : LS0608036RSG
HERMAN P. WEBER, :
RESPONDENTS.

Division of Enforcement Case No. 05 RSG 024

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

Michael L. Walden
922 Partridge Lane
Fredonia, WI 53021

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

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

PROCEDURAL HISTORY

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 Department of Regulation and Licensing (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

1. Respondent **MJ Protection & Investigation LLP** (“MJ Protection”) is a Wisconsin licensed Private Detective Agency, having license # 62-16347. The license was first granted on 12/22/2003 and is current through 8/31/2006. MJ Protection’s last reported address on file with the Department of Regulation and Licensing is 922 Partridge Lane, Fredonia, WI 53021.

2. Department records show that MJ Protection is a Limited Liability Partnership with Respondent Michael L. Walden listed as the President and Jacquelyn L. Walden listed as the business manager.

3. Respondent **Michael L. Walden** (“Walden”), whose date of birth is 12/05/1962, holds State of Wisconsin private security permit # 108-5307. This permit was first granted on 9/15/1997 and is current through 8/31/2006. Walden’s last reported address on file with the Department of Regulation and Licensing is 922 Partridge Lane, Fredonia, WI 53021.

4. On 06/29/2005, Respondents Walden, Weber, Montero and Brusky went to the home of Carey Evers (“Evers”) wearing their MJ Protection security guard uniforms and duty belts containing pepper spray, handcuffs, batons and firearms. They asked Evers to step outside, which he did, and advised Evers that they were there to take him into custody on a Department of Revenue tax warrant.

5. Evers protested and told Walden, Weber, Montero and Brusky that they had no authority to arrest him.

6. When Evers attempted to re-enter his home, he was restrained and handcuffed. Walden, Weber, Montero and Brusky placed the handcuffed Evers in an unmarked MJ Protection van. At the time Evers was handcuffed and placed in the van, he was wearing a t-shirt, sweatpants and socks, but no shoes. Evers was not allowed to get any shoes before being placed in the van.

7. Weber, Montero and Brusky transported Evers to the 6th District Station of the Milwaukee Police Department with the intent of turning Evers over to the police. Walden had another assignment that evening and did not accompany the others to the police station.

8. Weber and Brusky took Evers inside the police station and Walden arrived in another vehicle to pick up Montero to take him to a security assignment for the evening. The police station refused to accept Evers and told Weber and Brusky to take Evers to the Milwaukee County Jail.

9. Weber and Brusky took Evers to the Milwaukee County Jail where Evers was placed in a holding cell while Weber and Brusky spoke with jail staff.

10. Jail staff advised Weber and Brusky that they had no authority to place Evers in jail on a tax warrant and that Evers had to be released. Weber and Brusky then took Evers home.

11. According to Evers, he was in Respondents’ custody for approximately five hours.

12. Neither MJ Protection nor any of its employees had any kind of contract with the Wisconsin Department of Revenue to pick up citizens on tax warrants or provide any services for the Wisconsin Department of Revenue. When Respondents Walden, Montero, Brusky and Weber picked up Evers, they were not working for any contracted client.

13. Walden informed the Department investigator that he has worked in the security industry for over 20 years in California, Virginia and Wisconsin. Walden further reported that he attended and graduated from the police science program at the Northeast Wisconsin Technical College in Green Bay, Wisconsin.

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 (intro), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By restraining Cary Evers on a civil tax warrant without his consent and without any lawful authority to do so, Respondent **Michael L. Walden** falsely imprisoned Evers, in violation of Wis. Stat. § 940.30. Such conduct reflects adversely on his professional qualification and subjects Walden to discipline pursuant to Wis. Stat. § 440.26(6)(a)2 and Wis. Admin. Code § RL 35.01(intro) and § RL 35.01(2).

3. Pursuant to Wis. Stat. §§ 440.26(1) and 440.26(1m), and Wis. Admin. Code § RL 30.02(13)(a), a private security permit authorizes the permit holder to stand watch for security purposes. By restraining Cary Evers on a civil tax warrant, Respondent **Michael L. Walden** exceeded the scope of his private security permit and is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)2. and 4.

ORDER

1. NOW THEREFORE, IT IS HEREBY ORDERED that the private security permit issued to Respondent **Michael L. Walden**, permit #108-5307, shall be **SUSPENDED** for **EIGHT (8) MONTHS**, from **SEPTEMBER 1, 2006 through APRIL 30, 2007**.

2. IT IS FURTHER ORDERED that Respondent **Michael L. Walden**, shall, within **SIXTY (60) DAYS** from 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

3. IT IS FURTHER ORDERED that Respondent **Michael L. Walden** shall, during the period of his permit suspension, successfully complete no less than 20 hours of coursework related to the profession of private security. Such coursework may be in the area of criminal law, constitutional law, and/or security law or related areas. All coursework must be pre-approved by the Secretary or her designee. Michael L. Walden is solely responsible for the cost of the required coursework. Michael L. Walden shall submit proof of successful completion of said coursework to the Department Monitor within thirty days of completion.

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in further disciplinary action against Michael L. Walden's private security permit, #108-5307. In the event Michael L. Walden fails to timely submit payment of the costs as set forth above, or fails to timely complete the education as set forth above and provide proof thereof, Michael L. Walden's private security permit (# 108-5307) SHALL BE SUSPENDED, without further notice or hearing, until MJ Protection has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

By: Celia M. Jackson
Secretary

8-3-06
Date