

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

**DRP SECURITY SERVICES, LLC,
and DUANE R. PETERKE**

LS0807081RAL

RESPONDENTS.

Division of Enforcement File No.: 06 RAL 076

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

Duane R. Peterke
W172 N8561 Shady Lane
Menomonee Falls, WI 53051

DRP Security Services, LLC
7482A North 107th Street
Milwaukee, WI 53224

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

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

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent **Duane R. Peterke** ("D. Peterke"), whose date of birth is March 30, 1963, and whose address of record with the Department of Regulation and Licensing ("Department") is W172 N8561 Shady Lane, Menomonee Falls, WI 53051, holds a license as a Private Detective (#63-10733). The license was first granted on March 6, 2003, and will expire on August 31, 2008.

2. Respondent **DRP Security Services, LLC**, ("DRP") is a Wisconsin licensed Private Detective Agency (#62-16245). DRP's last reported address on file with the Department is 7482A North 107th Street, Milwaukee, WI 53224. The license was first granted on October 30, 2002, and will expire on August 31, 2009.

Count I: Failure to Report Change in Ownership/LLC Membership

3. D. Peterke was the only person with an ownership interest in DRP when DRP was initially granted its license.

4. Subsequently, D. Peterke granted an ownership interest in DRP to his mother, Karen Hintz.

5. Per Department records, and based on information provided to the Department by DRP, DRP did not report that Karen Hintz has an ownership interest in DRP.

6. Per Wis. Admin. Code § RL 32.07 (2), "If there is a change in any of the... members of a partnership or a limited liability company, the agency shall notify the department of the change before new... partners take office.

7. Per Wis. Admin. Code § RL 35.01, "The department may deny an application for renewal, limit suspend or revoke a credential holder, 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: ... (9) Violating any rule in chs. RL 30 to 35."

Count II: Firearms Violations

8. On May 29, 2004, D. Peterke was carrying a firearm when he was assaulted and shot at by A.B. D. Peterke drew his firearm from a holster and returned fire, firing at least three times at A.B., and resulting in the death of A.B. D. Peterke was arrested on suspicion of First Degree Intentional Homicide, but was never charged with any crime.

9. Neither D. Peterke nor any other person designated by DRP compiled and filed with the Department a report regarding this incident, or otherwise informed the Department that D. Peterke caused the death of A.B.

10. D. Peterke carried a firearm while acting as a private detective on three or more occasions from 2003-2007.

11. D. Peterke regularly stored a loaded firearm in a desk at the offices of DRP in 2004.

12. DRP has never applied for or been issued a firearms permit for D. Peterke by the Department.

13. Per Wis. Admin. Code § RL 34.01 (1), "No owner or employee of an agency may carry on, about or near their person any firearm unless all of the following apply: ... (c) The agency has received a permit from the department pursuant to s. RL 34.015."

14. Per Wis. Admin. Code § RL 34.015 (1), "An agency shall apply to the department for a permit to authorize any of its owners or employees to carry a firearm when assigned to do so by the agency."

15. Per Wis. Admin. Code § RL 34.06, "If any owner or employee of an agency is responsible for the accidental or intentional discharge of any firearm other than in target practice, competition, or licensed hunting, or is responsible for the accidental or intentional use of deadly force by any means, the owner or employee shall immediately after the incident notify

the local law enforcement agency... The supervisor or another person assigned by the agency shall investigate the incident as soon as possible, and shall make a signed, written report of the incident... As soon as possible after the investigation is completed, a copy of the report shall be filed with the department and with the local law enforcement agency.”

16. Per Wis. Admin. Code § RL 35.02, “The department may take disciplinary action against a licensed private detective agency for violations of chs. RL 30 to 35 committed by licensed private detectives or security persons employed by the agency.”

Count III: Misleading Advertising

16. A review of DRP’s web-site in June of 2007 found that DRP represented that it could perform the following tasks and provide the following services: (a) issue traffic violation warnings; (b) provide bodyguards with specialized training; and (c) provide bodyguards who would not wear uniforms.

17. DRP cannot issue “traffic violation warnings” without subjecting itself to discipline per Wis. Admin. Code § RL 35.01, which, in part, prohibits licensees from engaging in unprofessional conduct such as pretending to be law enforcement or peace officers.

18. DRP does not have staff who have received specialized training related to acting as bodyguards, and does not have staff who can act as bodyguards while not in uniforms without subjecting itself to discipline per Wis. Admin. Code §§ RL 33.02 and RL 35.01 (9).

19. Per Wis. Admin. Code § RL 35.01 (6), licensees are subject to discipline if they use, “false, misleading or deceptive advertising.”

Mitigating Factors

20. DRP Security Services, LLC, has fully cooperated in the investigation of these matters.

21. A review of Department records shows that only one licensee is known to have complied with Wis. Admin. Code § RL 34.06 to date; the rule is, presumably, unknown to most licensees.

22. The advertising practices of many licensees are similar to those of DRP.

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 notify the Department that Karen Hintz had obtained an ownership interest in DRP, as set forth above in paragraphs 3-5 of the Findings of Fact, **DRP Security Services, LLC** has violated Wis. Admin. Code § RL 32.07 (2), thereby subjecting itself to discipline per Wis. Admin. Code § RL 35.01 (9).

3. By using deadly force, and failing to immediately notify local law enforcement of same, failing to compile a report regarding same, and failing to inform the Department of the same, as set forth in paragraphs 8-9 of the Findings of Fact, **Duane R. Peterke** and **DRP Security Services, LLC**, have violated Wis. Admin. Code § RL 34.06, thereby subjecting themselves to discipline per Wis. Admin. Code § RL 35.01 (9).

4. By carrying a firearm while on duty without a valid firearms permit, and by storing a firearm in a DRP office desk without a valid firearms permit, as set forth above in paragraphs 10-12 of the Findings of Fact, **Duane R. Peterke** has violated Wis. Admin. Code § RL 34.01 (1) (c), thereby subjecting himself to discipline per Wis. Admin. Code § RL 35.01 (9), and thereby subjecting **DRP Security Services, LLC** to discipline per Wis. Admin. Code § RL 35.02.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The private detective agency license issued to **DRP Security Services, LLC** (# 62-16245), shall be, and hereby is **REPRIMANDED**.

2. The private detective license of **Duane R. Peterke** (#63-10733) shall be, and hereby is **REPRIMANDED**

and **SUSPENDED** for a period of NINETY (90) DAYS, to begin thirty (30) days after the date of signing of this Order.

3. The private detective license of **Duane R. Peterke** (#63-10733) shall be and is **LIMITED** as follows: (a) no private detective agency may be issued a firearms permit for Duane R. Peterke; and (b) Duane R. Peterke may not carry on, about or near his person any firearm while working as a private detective, to specifically include a prohibition against (i) carrying a firearm in any vehicle used by him while working as a private detective, and (ii) storing any firearm in any room used by any private detective agency, for any purpose for a period of fifteen (15) months from the date of signing of this Order.

4. IT IS FURTHER ORDERED that **DRP Security Services** and **Duane R. Peterke** and **Karen Hintz** shall, within one year of the date of this Order, pay **COSTS** of this proceeding in the amount of **ONE THOUSAND SEVEN HUNDRED DOLLARS (\$1,700.00)**. 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 may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses (#62-16245 and #63-10733). The Secretary in her discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit any payment as set forth above, Respondents' licenses (#62-16245 and #63-10733) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

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

7. Division of Enforcement Case Number 06 RAL 076 is hereby **CLOSED**.

By: Celia M. Jackson
Secretary

7/8/08
Date

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

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS :

AGAINST :

STIPULATION

DRP SECURITY SERVICES, LLC :

and DUANE R. PETERKE :

LS _____

RESPONDENTS. :

Division of Enforcement File No.: 06 RAL 076

It is hereby stipulated and agreed, by and between Duane R. Peterke, Respondent; Karen J. Hintz, on behalf of DRP Security 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. 06 RAL 076). Respondents consent to the resolution of this matter by stipulation and without the issuance of a formal complaint.

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 if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Secretary 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 the parties agree not to contend that the Secretary 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 may appear before the Secretary 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 may have in connection with deliberations on the Stipulation.

7. Respondents are informed that should the Secretary 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 adopt this Stipulation and issue the attached Final Decision and Order.

DUANE R. PETERKE, Respondent
W172 N8561 Shady Lane
Menomonee Falls, WI 53051

Date

KAREN HINTZ, on behalf of
Respondent DRP Security Services, LLC
7482A N 107th Street
Milwaukee, WI 53224

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