

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ERIC L. TURNER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0002364**
:

Division of Legal Services and Compliance¹ Case No. 12 RSG 037

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

Eric L. Turner
5337 North 55th Street
Milwaukee, WI 53218

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Eric L. Turner (dob July 9, 1971) is licensed in the State of Wisconsin as a Private Security Person, having license number 9904-108, first issued on January 4, 1999, and current through August 31, 2014. Respondent's most recent address on file with the Department is 5337 North 55th Street, Milwaukee, Wisconsin 53218.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Respondent's Private Security Person license (number 9904-108) was expired from September 1, 2010, to September 13, 2012.

3. In January 2011, Respondent submitted an online renewal application for his private security person license and answered "NO" to the following questions:

Have you been convicted within the past two years of a felony, a misdemeanor or a violation of any state or local law (other than traffic) that is punishable by a forfeiture, or, are charges pending?

4. A subsequent Criminal Information Bureau check by the Department revealed pending charges for Respondent.

5. On January 11, 2011, the Department sent Respondent a letter requesting information regarding his pending charges and notifying Respondent that his license had not been renewed. Respondent failed to respond to the request.

6. In July 2012, Respondent submitted an online renewal application for his private security person license and answered "NO" to the following questions:

In the past two years, have you been convicted of a MISDEMEANOR, OPERATING WHILE INTOXICATED (OWI), a VIOLATION of any federal, state or local law, OR are criminal charges or OWI charges currently pending against you in this or any other state?

In the past two years, have you been convicted of a VIOLATION of ANY federal, state or local law or municipal ordinance that is punishable by a fine or forfeiture in this or any other state, OR are federal, state or municipal charges currently pending against you?

In the past two years, have you been convicted of a FELONY in this state or any other state, OR are FELONY charges currently pending against you?

7. A subsequent Criminal Information Bureau check by the Department revealed convictions and pending charges for Respondent. Respondent's license was renewed on September 13, 2012, and the matter was referred to the Division of Legal Services and Compliance. Division of Legal Services and Compliance Case Number 12 RSG 037 was subsequently opened for investigation.

8. Court records obtained during the course of the Department's investigation revealed that on November 9, 2010, Respondent was charged with misdemeanor Carrying a Concealed Weapon and misdemeanor Possession of Drug Paraphernalia (Waukesha County Case Number 2010CM002298).

9. On April 27, 2011, the Carrying a Concealed Weapon charge was dismissed and Respondent was convicted of the Possession of Drug Paraphernalia charge and ordered to pay a fine.

10. On January 31, 2011, Respondent was charged with misdemeanor Endangering Safety by Use of a Dangerous Weapon (Pointing), misdemeanor Criminal Trespass to Dwelling, Use of a Dangerous Weapon, misdemeanor Disorderly Conduct, Use of a Dangerous Weapon, and misdemeanor Bail Jumping (Milwaukee County Case Number 2011CM000385).

11. These charges stemmed from an incident on January 5, 2011, while Respondent was working and holding himself out as a private security guard.

12. On May 23, 2011, the Criminal Trespass to a Dwelling charge was dismissed and Respondent was convicted of misdemeanor Intentionally Point Firearm at Person, misdemeanor Disorderly Conduct, Use of a Dangerous Weapon, and misdemeanor Bail Jumping. Respondent was sentenced to 120 days in House of Correction.

13. These convictions, according to Respondent, occurred pursuant to a search conducted for a dangerous person pursuant to his duties as a private security person.

14. Respondent failed to notify the Department of the convictions within 48 hours after the judgments of conviction.

15. The Department's investigation revealed that Respondent worked as a private security guard during the time his license was expired.

16. Respondent has never held a permit to carry a firearm issued by the Department.

17. At the time of the May 23, 2011, incident, Respondent's employer did not have a firearm permit issued by the Department.

18. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in conduct reflecting adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by violating laws the circumstances of which substantially relate to the practice of a private security person.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to report his convictions to the Department within 48 hours after the judgments of conviction.

4. By the conduct described in the Findings of Fact, Respondent engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § SPS 35.01(17) by providing false information in applications for a credential.

5. By the conduct described in the Findings of Fact, Respondent engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(23) by failing to timely respond to a request of the Department.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code §§ RL (now SPS) 34.01(1)(c) and (g) by carrying a firearm while working for an agency that has not been issued a permit and by failing to comply with all federal or state laws or local ordinances when carrying a firearm.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(1)(a)2. and engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(19) by practicing without a current credential.

8. By the conduct described in the Findings of Fact, Respondent engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code §§ RL (now SPS) 35.01(8) and (9) by violating state or federal laws, rules or regulations related to the care, handling or use of firearms.

9. As a result of the violations noted in the Conclusions of Law, Respondent is subject to discipline pursuant to Wis. Stat. §§ 440.26(6)(a)1-4 and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the Private Security Person license of Eric L. Turner (license number 9904-108) is hereby accepted.

3. If Respondent Turner ever seeks to reinstate his license or applies for any other credential regulated by the Department, then he shall pay the costs of investigating and prosecuting this matter, in the amount of \$955.00, before any such application may be considered. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov


4. In the event that Respondent Turner seeks to reinstate his license or applies for a private security person credential, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of his request.

5. Should Respondent Turner seek to reinstate his license or apply for a private security person credential, the Wisconsin Department of Safety & Professional Services may in its sole discretion determine whether, and under what circumstances, a credential may be issued.

6. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

3/26/13
Date