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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
HECTOR RODRIGUEZ, RESPONDENT	:	LS9709221RAL

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 26th day of February 1998.

Patricia C. McCormack
Deputy Secretary

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

PROPOSED DECISION
LS9709221RAL

HECTOR RODRIGUEZ,
RESPONDENT.

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Hector Rodriguez
1224 South 22nd Street
Milwaukee, WI 53204

Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing and Complaint on September 22, 1997. Respondent did not file an Answer to the Complaint. A hearing was held in the above-captioned matter on October 16, 1997. Atty. Gerald M. Scanlan appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Hector Rodriguez, appeared in person without legal counsel.

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The respondent, Hector Rodriguez, (d.o.b. 11-24-62) is licensed as a private detective in the State of Wisconsin, license #8387, which was first granted on June 11, 1990.

2. Respondent's most recent address on file with the Department of Regulation and Licensing is 1224 South 22nd Street, Milwaukee, Wisconsin 53204.

3. In 1994, respondent operated Midevil Investigations, Inc., a private detective agency. At least from March 23, 1994, to June 22, 1994, respondent employed Jose Gutierrez at Midevil Investigations, Inc., to work as a private security person.

4. During the time of his employment at Midevil Investigations, Mr. Gutierrez did not hold a private detective license and he did not hold a private security permit.

5. During the time of his employment at Midevil Investigations, Mr. Gutierrez performed the services of a private security person at Cub Foods and Food Mart in Milwaukee, WI.

6. On April 29, 1996, respondent was convicted of a misdemeanor by a Milwaukee County Circuit Court for employing Jose Gutierrez as a private security person without having procured the required permit, in violation of s. 440.26 (5) and (8), Stats. On May 20, 1996, respondent was sentenced and ordered to "pay a fine of $500.00, including all appropriate costs, penalties and surcharges, or serve 20 days in the House of Correction consecutive, Huber, two days credit". The Court also determined under s. 440.26 (8), Stats., that respondent was ineligible for a private detective license for one year.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to s. 440.26 (6), Wis. Stats.

2. By having engaged in conduct, as described in Findings of Fact 3, 4, and 5 herein, respondent engaged in conduct reflecting adversely on his professional qualification, in violation of s. RL 35.01 (13), Wis. Adm. Code.

3. By having been convicted of a crime, as described in Findings of Fact 6 herein, respondent engaged in conduct reflecting adversely on his professional qualification, in violation of s. RL 35.01 (2), Wis. Adm. Code.

4. The circumstances of the crime for which respondent was convicted substantially relate to the practice of a private detective.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Hector Rodriguez to practice as a private detective be, and hereby is, SUSPENDED FOR A PERIOD OF ONE YEAR.

IT IS FURTHER ORDERED that:

1. Respondent may petition the Department for a reduction of the one year suspension period by the amount of time he refrained from practice as a private detective pursuant to the sentencing order rendered by the Milwaukee Circuit Court on May 20, 1996, as described in Findings of Fact 6 herein. The Department may grant such petition provided respondent submits proof satisfactorily to the Department that he did not practice as a private detective during the time period claimed and that he is capable of practicing in a manner which safeguards the interest of the public.

2. Pursuant to s. 440.22 Wis. Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective as of the date it is signed by the Department's designee.

OPINION

This matter was commenced by the filing of a Notice of Hearing and Complaint on September 22, 1997. A hearing was held on October 16, 1997. Atty. Gerald M. Scanlan appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Hector Rodriguez, appeared in person without legal counsel.

The Complainant alleges in its Complaint that by having been convicted of a crime, respondent engaged in conduct reflecting adversely on his professional qualification in violation of s. 440.26 (5) and (8), Stats., and s. RL 35.01 (2) and (13), Wis. Adm. Code.

The evidence presented establishes that Mr. Rodriguez, engaged in conduct reflecting adversely on his professional qualification, in violation of s. RL 35.01 (2) and (13), Wis. Adm. Code.

I. Applicable Law

Section 440.26 (5), Stats., provides that an employe of any licensed agency doing business in this state as a supplier of uniformed security personnel to patrol exclusively on the private property of certain premises, including commercial establishments, is exempt from the license requirements while engaged in such employment, if the person obtains a private security permit.

Section 440.26 (6), Stats., states, in part, that the Department may reprimand the holder of a license or permit issued under that section or revoke, suspend or limit the license or permit of any person who has been convicted of a crime subject to ss. 111.321, 111.322 and 111.335, or has engaged in conduct reflecting adversely on his or her professional qualification.

Section 440.26 (8), Stats., states, in part, that any person who employs any person who performs services in this state as a private security person without having procured the required permit, may be fined not more than $100 nor more than $500 or imprisoned not less than 3 months nor more than 6 months or both. In addition, any agency having an owner convicted of the above offense may have its agency license revoked or suspended by the department and any person convicted of the above offense shall be ineligible for a license for one year.

Sections 111.321 and 111.322, Stats., prohibit a licensing agency from discriminating against an individual on the basis of a conviction record. Section 111.335 (1) (c), Stats., provides that notwithstanding s. 111.322, it is not discrimination because of conviction record to terminate from licensing any individual who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the licensed activity.

II. Conduct Reflecting on Professional Qualification

A. Employment of a Security Person Without A Permit

As stated previously, the Complainant alleges in its Complaint that by having been convicted of violating s. 440.26 (8), Stats., respondent engaged in conduct reflecting adversely on his professional qualification in violation of s. 440.26 (5) and (8), Stats., and s. RL 35.01 (2) and (13), Wis. Adm. Code. [1]

The evidence presented establishes that Mr. Rodriguez, engaged in conduct reflecting adversely on his professional qualification, in violation of s. RL 35.01 (2) and (13), Wis. Adm. Code.

Mr. Rodriguez is licensed as a private detective. His license was first granted on June 11, 1990. At least in 1994, he operated Midevil Investigations, Inc., a private detective agency. [2]

From March 23, 1994, to June 22, 1994, Mr. Rodriguez employed Jose Gutierrez at Midevil Investigations, Inc., to work as a private security person. During the time of his employment at Midevil Investigations, Mr. Gutierrez did not hold a private detective license nor a private security permit. Mr. Gutierrez was assigned to work as a private security person at two Milwaukee establishments, Cub Foods and Food Mart.

Mr. Rodriguez testified at the hearing that at the time he hired Mr. Gutierrez he was familiar with the permit requirements for private security persons and that he was aware Mr. Gutierrez did not have a permit. He said that Mr. Gutierrez was an acquaintance of his for at least three years prior to his employment with Midevil. He stated that he asked Mr. Gutierrez several times if his application for a permit had been approved and that Mr. Gutierrez told him that he "ran into a problem". He said that the found out that Mr. Gutierrez's application had been denied when he received a call from Dale Gillard, a civilian employee of the Milwaukee Police Department. Sometime thereafter he terminated Mr. Gutierrez. He also testified that although he employed supervisors who were assigned to follow-up on Mr. Gutierrez's application, he assumes full responsibility for their inaction

B. Criminal Conviction

Mr. Rodriguez has a conviction record. In addition to his own admission while testifying at the hearing, a certified copy of a document evidencing his conviction is contained in the record. *Exhibit 1.*

1. This proceeding relates only to Mr. Rodriguez's private detective license.

2. The private detective agency which Mr. Rodriguez operates now is known as Rapid Response Public Safety.

In August 1994, a Criminal Complaint was filed in Milwaukee charging Mr. Rodriguez with employment of a private security person without a permit, in violation of s. 440.26, Stats. On April 29, 1996, he was convicted of employing Mr. Gutierrez as a private security person without having procured the required permit, contrary to s. 440.26 (5) and (8), Stats. He was sentenced on May 20, 1996, and ordered to "pay a fine of $500.00, including all appropriate costs, penalties and surcharges, or serve 20 days in the House of Correction consecutive, Huber, two days credit". He was determined to be ineligible for a private detective license for one year.

The remaining issue which requires determination is whether the crime for which Mr. Rodriguez was convicted substantially relates to the practice of a private detective.

Section 111.321 and 111.322, Stats., prohibit a licensing agency from discriminating against an individual on the basis of a conviction record. Section 111.335 (1) (c), Stats., provides that notwithstanding s. 111.322, it is not discrimination because of conviction record to terminate from licensing any individual who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the licensed activity.

The purpose of the exception structured by the Legislature in s. 111.335 (1) (c), Stats., was discussed by the Wisconsin Supreme Court in *County of Milwaukee v. Labor and Industry Review Commission*, 139 Wis. 2d 805, 407 N.W. 2d 908 (1987). Although the Court's discussion focused on the employment area, the societal interests discussed are relevant to the licensing area. The Court stated, Id., at 821, that:

> It is evident that the legislature sought to balance at least two interests. On the one hand, society has an interest in rehabilitating one who has been convicted of a crime and protecting him or her from being discriminated against in the area of employment. Employment is an integral part of the rehabilitation process. On the other hand, society has an interest in protecting its citizens. There is a concern that individuals, and the community at large, not bear an unreasonable risk that a convicted person, being placed in an employment situation offering temptations or opportunities for criminal activity similar to those present in the crimes for which he had been previously convicted, will commit another similar crime. This concern is legitimate since it is necessarily based on the well-documented phenomenon of recidivism.

In reference to assessing the risk of recidivism, the Court stated, Id. at 823-824, that:

> In balancing the competing interests, and structuring the exception, the legislature has had to determine how to assess when the risk of recidivism becomes too great to ask the citizenry to bear. The test is when the circumstances, of the offense and the particular job, are substantially related. ...
>
> Assessing whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed, is the purpose of the test. ...
>
> It is the circumstances which foster criminal activity that are important, e.g., the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person.

In this case, it can be concluded that the crime for which Mr. Rodriguez was convicted substantially relates to the practice of a private detective. As a private detective and as owner of a private detective agency, Mr. Rodriguez makes final decisions relating to the employment of individuals who perform security services on behalf of the agency. Therefore, he would have ample opportunity to commit crimes similar to the one for which he was convicted. In reference to character traits, his conduct as evidenced by his employment of Mr. Gutierrez as a private security person without having procured a permit reflects a total disregard for the law applicable to the practice of private detectives.

III. Discipline

Having found that Mr. Rodriguez engaged in conduct reflecting adversely on his professional qualification, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

Section 440.26 (6), Stats., states, in part, that the Department may reprimand the holder of a license or permit issued under that section or revoke, suspend or limit the license or permit of any person who has been convicted of a crime subject to ss. 111.321, 111.322 and 111.335, or has engaged in conduct reflecting adversely on his or her professional qualification.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. *State v. MacIntyre*, 41 Wis. 2d 481 (1969).

The Complainant argues that the Department is required under s. 440.26 (8), Stats to suspend Mr. Rodriguez's license for a period of one year. Mr. Rodriguez argues that his license should not be suspended because the one year ineligibility period provided for under s. 440.26 (8), Stats., started to run on the date sentencing was imposed by the Circuit Court in the criminal case. Therefore, the one year ineligibility period has already expired. If a one year suspension is imposed, Mr. Rodriguez argues that he should be given credit for the time which he has refrained from practice pursuant to the Circuit Court's May 20, 1996, order determining his ineligibility to practice for one year. [3]

The Administrative Law Judge recommends that Mr. Rodriguez's license to practice as a private detective be suspended for a period of one year and that he be permitted to petition the Department for a reduction of the suspension period as provided for in the proposed order set forth herein. This measure is designed to assure protection of the public and to deter other licensees from engaging in similar misconduct.

3. Mr. Rodriguez stated during closing arguments, but did not submit any evidence, that he has not practiced as a private detective since he was sentenced in May, 1996. He said that he interpreted the sentencing order to mean that he could not practice as a private detective for a period of at least one year.

The imposition of discipline is clearly warranted in this case. The evidence presented establishes that Mr. Rodriguez employed and permitted Mr. Gutierrez to perform the services of a private security person for at least 3 months knowing that Mr. Gutierrez did not have a permit. Mr. Rodriguez has shown by his conduct that he is incapable of practicing in a manner which safeguards the interest of the public. Suspension of his license for a period of one year is the only viable measure available to assure protection of the public.

The requirement that Mr. Gutierrez obtain a permit is more than a mere technical formality. The term "private security person" is defined to mean "any private police, guard or any person who stands watch for security purposes". Such individual is authorized to patrol the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities. He or she is also required to wear a uniform which clearly identifies to the public that he or she is a security guard. *s 440.26 (1m) and (5), Stats.*

In general, the purpose of licensing statutes is not to benefit those persons licensed to practice under the statute, but rather to protect the public by the requirement of a license as a condition precedent to practicing in a given profession. Such statutes are grounded in the state's police power to protect the public welfare through safeguarding the life, health, and property of its citizens. *Gilbert v. Medical Examining Board*, 119 Wis. 2d 168, 188, 349 N.W. 2d 68 (1984).

Public trust is essential to the practice of private detectives. In general, citizens assume that the activities of private security persons are regulated by one or more governmental agencies. When a uniformed private security person gives a command or makes a request to a citizen, the response of any given citizen will be based upon his or her knowledge and confidence in the regulatory process established by the appropriate governmental agency. What is at stake, when licensees ignore regulatory requirements, is in essence a loss of public trust and confidence in the reliability of the regulatory process.

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 3rd day of February, 1998.

Respectfully submitted,

Ruby Jefferson-Moore

Ruby Jefferson-Moore
Administrative Law Judge

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

In the Matter of Disciplinary Proceedings Against

Hector Rodriguez,

Respondent.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On March 2, 1998, I served the Final Decision and Order dated February 26, 1998, LS9709221RAL, upon the Respondent Hector Rodriguez by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 799.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Hector Rodriguez
1224 S. 22nd Street
Milwaukee WI 53204

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 2nd day of March, 1998.

Notary Public, State of Wisconsin
My commission is permanent.

FILE COPY

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case # LS9709221RAL
HECTOR RODRIGUEZ, RESPONDENT.	:	

On February 26, 1998, the Department of Regulation and Licensing filed its Final Decision and Order in the above-captioned matter by which the department ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on February 25, 1998, the Department of Regulation and Licensing received the *Affidavit of Costs* in the amount of $452.17, filed by Attorney Gerald M. Scanlan. On March 5, 1998, the Department of Regulation and Licensing received the *Affidavit of Costs of the Office of Legal Services* in the amount of $120.00, filed by Administrative Law Judge Ruby Jefferson-Moore. The Department of Regulation and Licensing considered the affidavits on April 1, 1998, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of $572.17, which is 100% of the costs set forth in the affidavits of costs of Attorney Gerald M. Scanlan and Administrative Law Judge Ruby Jefferson-Moore, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before May 1, 1998, shall constitute a violation of the Order unless respondent petitions for and the department grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Department of Regulation and Licensing may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached *"Guidelines for Payment of Costs and/or Forfeitures"* should be enclosed with the payment.

Dated this 1st day of April, 1998.

By: Marlene A. Cummings

Marlene A. Cummings, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST

AFFIDAVIT OF COSTS
LS9709221-RAL

HECTOR RODRIGUEZ,
RESPONDENT.

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Ruby Jefferson-Moore, being first duly sworn on oath deposes and states:

1. That affiant is an attorney licensed to practice law in the State of Wisconsin, and is employed by the Wisconsin Department of Regulation and Licensing, Office of Board Legal Services.

2. That in the course of affiant's employment she was appointed administrative law judge in the above-captioned matter. That to the best of affiant's knowledge and belief, the costs for services provided by affiant are as follows:

ACTIVITY	DATE	TIME
Preparation and Conduct of Hearing	10/16/97	1 hr.
Review record/draft decision	01/29/98	2 hrs.
Review record/draft decision	02/03/98	1 hr.

Total costs for Administrative Law Judge: $120.00

3. That upon information and belief, the total cost for court reporting services provided by Textnet is as follows: N/A.

Total costs for Office of Board Legal Services: $ 120.00.

Ruby Jefferson-Moore
Ruby Jefferson-Moore
Administrative Law Judge

Sworn to and subscribed to before me
this 5th day of March, 1998

John Schweitzer
Notary Public
My Commission: is permanent

STATE OF WISCONSIN
BEFORE THE DIRECT LICENSING - PRIVATE DETECTIVES

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST HECTOR RODRIGUEZ, RESPONDENT	AFFIDAVIT OF COSTS 94RAL025

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Being duly sworn, the undersigned employee of the Department of Regulation and Licensing deposes and states as follows:

That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE(Gerald M. Scanlan)

DATE	ACTIVITY	TIME SPENT	
09/03/1997	drafted complaint	2 HOURS	0 MINUTES
10/15/1997	prepare for hearing	2 HOURS	0 MINUTES
10/16/1997	prepare for & conduct hearing	1 HOURS	30 MINUTES
	TOTAL HOURS	5 HOURS	30 MINUTES
	Total attorney expense for 5 hours and 30 minutes at $41 per hour (based upon average salary and benefits for Division of Enforcement Attorneys) equals:		**$225.5**

INVESTIGATOR EXPENSE (Kelley E. Sankbeil)

DATE	ACTIVITY	TIME SPENT	
02/05/1997	conference with Attorney Scanlan	0 HOURS	15 MINUTES
02/10/1997	Call to Assistant District Attorney Lynch	0 HOURS	10 MINUTES
02/10/1997	Call to Attorney Forrestal	0 HOURS	20 MINUTES
02/10/1997	telephone conversation w/Attorney Scanlan	0 HOURS	15 MINUTES
02/10/1997	Call to Marlene Maly	0 HOURS	15 MINUTES
10/17/1994	review case file	0 HOURS	15 MINUTES
10/17/1994	glossary letters	0 HOURS	20 MINUTES
10/17/1994	Call from Sgt. Vento	0 HOURS	15 MINUTES
11/02/1994	receive/review letter from Mr. Rodriguez	0 HOURS	10 MINUTES
11/14/1994	call to Sgt. Vento	0 HOURS	5 MINUTES
12/22/1994	Call to Officer O'Hara	0 HOURS	10 MINUTES
12/29/1994	receive/review information from Milwaukee Police Department	0 HOURS	10 MINUTES
01/05/1994	Conference with Attorney Scanlan	0 HOURS	15 MINUTES
01/05/1994	Run CIB check	0 HOURS	5 MINUTES

INVESTIGATOR EXPENSE (Kelley E. Sankbeil)

DATE	ACTIVITY	TIME SPENT		
01/05/1995	Call to Milwaukee County Clerk of Courts	0	HOURS	5 MINUTES
01/06/1995	Conference with Attorney Scanlan	0	HOURS	10 MINUTES
01/06/1995	Various calls to Mid-Evil and telephone company	0	HOURS	35 MINUTES
01/12/1995	Dictate letter to Mr. Rodriguez	0	HOURS	10 MINUTES
01/12/1995	Receive/review CIB report	0	HOURS	5 MINUTES
02/03/1995	Conference w/Attorney Scanlan	0	HOURS	20 MINUTES
02/03/1995	Call to Officer O'Hara	0	HOURS	15 MINUTES
02/03/1995	Conference w/Attorny Scanlan	0	HOURS	20 MINUTES
02/06/1995	Call from Gutierrez	0	HOURS	25 MINUTES
02/06/1995	Call to Officer O'Hara	0	HOURS	5 MINUTES
02/06/1995	Conference w/Attorney Scanlan	0	HOURS	20 MINUTES
02/07/1995	Type Case Summary	1	HOURS	30 MINUTES
02/10/1995	Call from Officer O'Hara	0	HOURS	10 MINUTES
02/13/1995	receive/review information from Officer O'Hara	0	HOURS	10 MINUTES
11/07/1995	Call to Rodriguez	0	HOURS	5 MINUTES
05/28/1996	Call to Dept. of Transportation	0	HOURS	5 MINUTES
10/15/1997	prepare for hearing	1	HOURS	0 MINUTES
10/16/1997	attend hearing	1	HOURS	30 MINUTES
02/25/1998	prepare affidavit of costs	1	HOURS	0 MINUTES
	TOTAL HOURS	11	HOURS	20 MINUTE

Total Investigator expense for 11 hours and 20 minutes at $20 per hour (based upon average salary and benefits for Division of Enforcement Investigators) equals. **$226.67**

TOTAL ASSESSABLE COST **$452.17**

Gerald M. Scanlan

Gerald M Scanlan, Attorney

Subscribed and sworn to before me this
25th of February , 1998

Roger Hall

Notary Public

My commission is permanent

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A. Cummings
Secretary

Tommy G Thompson
Governor

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON WISCONSIN 53708-8935
(608) 266-2112

March 9, 1998

HECTOR RODRIGUEZ
1224 SOUTH 22ND STREET
MILWAUKEE WI 53204

RE: In The Matter of Disciplinary Proceedings Against
Hector Rodriguez, Respondent, LS9709221RAL

Dear Mr. Rodriguez:

On February 26, 1998, the Department of Regulation and Licensing issued an order involving your license to practice as a private detective. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is $572.17.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Department of Regulation and Licensing, Room 171, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before March 28, 1998. After reviewing the objections, if any, the Department of Regulation and Licensing will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the department may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack

Pamela A. Haack
Administrative Assistant
Office of Legal Services

Enclosures

cc: Bureau of Direct Licensing and Real Estate
Department Monitor

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)
TTY# (608) 267-2416 hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On February 26, 1998, the Department of Regulation and Licensing took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.

The amount of the costs assessed is: $572.17 Case #: LS9709221RAL

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of $ 572.17

The costs and/or forfeitures are due: May 1, 1998

NAME: Hector Rodriguez LICENSE NUMBER: 8387

STREET ADDRESS: 1224 South 22nd Street

CITY: Milwaukee STATE: WI ZIP CODE: 53204

Check whether the payment is for costs or for a forfeiture or both:

X COSTS _____ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL _____ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receipting Use Only

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
G:\BDLS\FM2145.DOC

NOTICE OF RIGHTS OF APPEAL

TO: HECTOR RODRIGUEZ

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/2/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side) The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935