

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 :
ERIC LOWENTHAL and MID WEST : FINAL DECISION AND ORDER
DETECTIVE AND SECURITY AGENCY, : 91 RAL 045 and 91 RAL 053
RESPONDENTS :

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

Eric Lowenthal
P.O. Box 192
Elm Grove, WI 52122

Mid West Detective and Security Agency
P.O. Box 192
Elm Grove, WI 52122

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

The parties in this matter agree to the terms and conditions of the
attached Stipulation as the final decision of this matter, subject to the
approval of the Board. The Board has reviewed this Stipulation and considers
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation
and makes the following:

FINDINGS OF FACT

1. Eric Lowenthal (D.O.B. 07/08/31) is duly licensed in the state of
Wisconsin as a private detective (license # 063 0006176). This license was
first granted on December 15, 1983. Respondent's latest address on file with
the Department of Regulation and Licensing is P.O. Box 192, Elm Grove, WI
53122.

2. Mid West Detective & Security Agency is a duly licensed private detective agency in the state of Wisconsin (license # 062 0006175). This license was first granted on December 15, 1983. Respondent's latest address on file with the Department of Regulation and Licensing is P.O. Box 192, Elm Grove, WI 53122..

3. Eric Lowenthal is a principal and owner of Mid West Detective & Security Agency.

4. Eric Lowenthal has been approved by the Wisconsin Department of Regulation and Licensing as a qualified firearms proficiency certifier.

5. On August 26, 1993, Eric Lowenthal was convicted in Milwaukee County Circuit Court in Case 2-307308 of two counts of violation of Wis. Stats. section 946.32, false swearing, for making or subscribing a false statement which respondent did not believe to be true, under oath, on Firearms Certification of Proficiency forms which were submitted to the Department of Regulation and Licensing.

6. On numerous occasions between August, 1989, and March, 1992, Eric Lowenthal did execute Firearms Certification of Proficiency forms which were submitted to the Department of Regulation and Licensing and which contained false statements which Eric Lowenthal knew to be untrue.

CONCLUSIONS OF LAW

By the conduct described above, respondents are subject to disciplinary action against the license to practice as a private detective, the license of a private detective agency, and the approval as a firearms proficiency certifier, in the state of Wisconsin, pursuant to Wis. Stats. sec. 440.26(6), and Wis. Adm. Code sec. RL 31.02(1)(b)(1), RL 31.02(2)(a), RL 34.03(2), RL 35.01(2), RL 35.01(8) and RL 35.01(18).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The stipulation of the parties is accepted.

2 The license of Eric Lowenthal to engage in business in the state of Wisconsin as a private detective is hereby REVOKED.

3. The license of Mid West Detective & Security Agency to engage in business in the state of Wisconsin as a private detective agency is hereby REVOKED.

4. The approval of Eric Lowenthal as a qualified firearms proficiency certifier is hereby TERMINATED.

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

This Order shall become effective upon the date of its signing.

DEPARTMENT OF REGULATION AND LICENSING

By: Patricia C. McCormack
Secretary Deputy Secretary

February 8, 1994
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
ERIC LOWENTHAL and MID WEST,	:	91 RAL 045 and 91 RAL 053
DETECTIVE AND SECURITY AGENCY	:	
RESPONDENTS	:	

It is hereby stipulated between Eric Lowenthal, personally on his own behalf and Eric Lowenthal, as principal and owner of Mid West Detective & Security Agency, and by counsel, Scott Weaver, and by James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending contested disciplinary action instituted by the Division of Enforcement. Respondents consent to the resolution of this matter by stipulation and without a formal hearing.

2. Respondents understand that by the signing of 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, and the Wisconsin Administrative Code.

3. Respondents are aware of the right to seek legal representation.

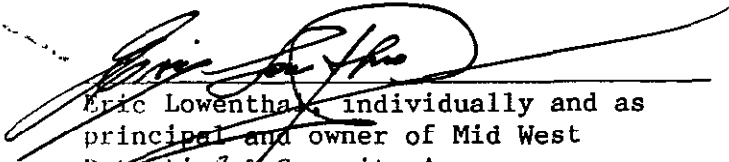
4. Respondents agree to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing, and understand that the Order shall effect a revocation of licensure and termination of approval. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Department's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. Attached to this stipulation are the licensure cards of respondents.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Department of Regulation and Licensing for the purpose of speaking in support of this agreement and answering questions that the Department may have in connection with deliberation on the stipulation.

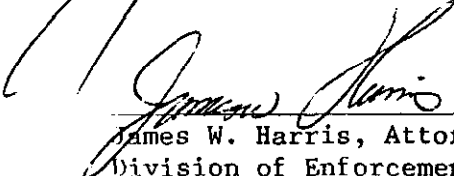
8. The Division of Enforcement joins respondents in recommending the Department of Regulation and Licensing adopt this Stipulation and issue the attached Final Decision and Order.


Eric Lowenthal, individually and as
principal and owner of Mid West
Detective & Security Agency

2-1-94
Date

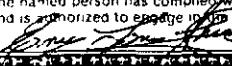


Scott Weaver, Attorney for Respondents

2.1.94
Date


James W. Harris, Attorney
Division of Enforcement

February 7, 1994
Date

jwh

<p>State of Wisconsin DEPARTMENT OF REGULATION AND LICENSING COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING</p> <p>State of Wisconsin DEPARTMENT OF REGULATION AND LICENSING COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING</p> <p>PRIVATE DETECTIVE</p> <p>No 6176 Expires 09/01/94</p> <p>ERIC LOWENTHAL PO BOX 192 ELM GROVE WI 53122</p> <p>The named person has complied with Wisconsin Statutes and is authorized to engage in the practice indicated</p> <p>Signature of Licensee </p>	<p>State of Wisconsin DEPARTMENT OF REGULATION AND LICENSING COMMITTED TO</p> <p>PRIV</p> <p>No: 6175</p> <p>MID WEST DE SECURITY AG PC BOX 192 ELM GROVE W.</p> <p>The person whose name appears on this licensure card has complied with the provisions of the Wisconsin Statutes and is hereby authorized to engage in the practice indicated</p>	<p>State of Wisconsin DEPARTMENT OF REGULATION AND LICENSING COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING</p> <p>State of Wisconsin DEPARTMENT OF REGULATION AND LICENSING COMMITTED TO EQUAL OPPORTUNITY IN EMPLOYMENT AND LICENSING</p> <p>PRIVATE DETECTIVE AGENCY</p> <p>No 6175 Expires 09/01/94</p> <p>MID WEST DETECTIVE & SECURITY AGENCY INC PO BOX 192 ELM GROVE WI 53122</p> <p>The named person has complied with Wisconsin Statutes and is authorized to engage in the practice indicated</p> <p>Signature of Licensee </p>
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NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

FEBRUARY 10, 1994.

1. 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 sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

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

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision 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.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)