

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
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FILE COPY

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ANGELA M. KVIDERA, .

92 RAL 048

Respondent.

FINAL DECISION AND ORDER

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

Angela Kvidera
207 East Buffalo Street, #528
Milwaukee, Wisconsin 53202

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

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

1. Angela Kvidera (D.O.B. May 30, 1957) is duly licensed in the state of Wisconsin as a private detective (license #5977). This license was first granted on April 5, 1983.

2. Angela Kvidera's latest address on file with the Department of Regulation and Licensing is 207 East Buffalo Street #528, Milwaukee, Wisconsin 53202.

3. On or about May 22, 1989, Angela Kvidera, hereinafter the Respondent, doing business as Kvidera Investigations certified to the Department of Regulation Licensing that she would assume responsibility for newly licensed private detective LeRoy Payne, and became his employer. A copy of LeRoy Payne's Application for Private Detective License which contains Respondent's certification is attached as Exhibit 1 and is incorporated herein by reference.

4. By letter dated March 16, 1990 Respondent informed the Department that LeRoy Payne was transferring his license to Attorney's Process and Investigation Services, Inc. (API) of Green Bay, Wisconsin. Respondent thus no longer was responsible for LeRoy Payne as his employer. A copy of Respondent's March 16, 1990 letter is attached as Exhibit 2 and is incorporated herein by reference. A copy of LeRoy Payne's Notice of Employment or Transfer of Private Detective License is attached as Exhibit 3 and is incorporated herein by reference.

5. In August 1990 LeRoy Payne left API and transferred to Alpha Omega Security in Milwaukee, Wisconsin. A copy of LeRoy Payne's Notice of Employment or Transfer of Private Detective license is attached as Exhibit 4 and is incorporated herein by reference.

6. From on or about January 1991 to February 1992 Kvidera Investigations was employed by Joshua Kesselman to provide security services on behalf of his son Micah while he was visiting his mother, Mr. Kesselman's former wife.

7. Because Respondent could not cover all the visitations herself, she introduced LeRoy Payne to Mr. Kesselman in approximately January of 1991 and informed Mr. Kesselman that Payne would perform some of the security that was contracted for from Kvidera Investigations. From that time until February 1992 both Respondent and LeRoy Payne provided the security work at diverse times depending upon Respondent's availability.

8. At the time LeRoy Payne was conducting the security work in conjunction with Kvidera Investigations his private detective license was still under Alpha Omega Security. LeRoy Payne did not transfer his private detective license to Kvidera Investigations while doing the security work for Mr. Kesselman, nor did he obtain a private detective agency license.

CONCLUSIONS OF LAW

1. By the conduct described above, Angela Kvidera is subject to disciplinary action against her license to practice as a private detective in the state of Wisconsin, pursuant to Wis. Stats. sec. 440.26, and Wis. Adm. Code RL 35.01.

2. The Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Respondent has violated Wis. Adm. Code secs. RL 31.01 and RL 35.01(9) by aiding and abetting LeRoy Payne in his providing private detective services for JOSHUA KESSELMAN as an independent contractor when LeRoy Payne did not have a private detective agency license.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is accepted.
2. That Respondent Angela Kvidera be, and hereby is, reprimanded.
3. That Respondent Angela Kvidera pay partial costs of these proceedings in the amount of \$300.00, on or before November 15, 1995, by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708.
4. In the event Respondent Angela Kvidera fails to pay the partial costs as indicated above then her private detective's license #5977 shall be indefinitely suspended until she has fully complied with the terms of the Order.
5. It is further ordered that Investigative File 92 REB 048 be, and hereby is, closed.

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 ten (10) days following the date of its signing.

Department of Regulation and Licensing

By: Patricia C. McCormack
Pat McCormack, Deputy Secretary
Department of Regulation and Licensing

10/2/95
Date

Department of Administration & Licensing

State of Wisconsin
Information requested below
is required for processing
this application.

P.O. Box 8935, Madison, WI 53708
(608) 266-0829

RECEIVED
MAY 23 PM 1:16
LICENSING

BUREAU OF DIRECT LICENSING AND REAL ESTATE APPLICATION FOR PRIVATE DETECTIVE LICENSE



PLEASE TYPE OR PRINT IN INK

Last Name: PRYNE First Name: Leroy MI: MI

Former Name(s) — If Applicable: —

Street Address: 529 E. Locust
1820 W. Anting
(A Post Office Box is NOT Acceptable)

City: Milwaukee State: WI Zip: 53202

Day Phone: (414) 223 4558 Date of Birth: 2-11-61

Ethnic, sex, and handicap status information is optional, and is for research and reporting to the Equal Employment Opportunity Commission.

Race: ☒ (1) White, not of Hispanic origin
☐ (2) Black, not of Hispanic origin
(Check one) ☐ (3) Hispanic
☐ (4) American Indian or Alaskan
☐ (5) Asian or Pacific Islander
☐ (6) Other

Sex: ☒ M ☐ F
Handicap: NO

WISHREG / LICNSG
9021#

Note to handicapped applicants: It is our intent to make the licensing process ^{EXAM} more accessible. If you feel that you will need special exam arrangements, i.e., ^{40.00} 62440001052389 for visually impaired, wheel chair accommodations, etc., put an X on the Handicap line above and, on a separate sheet, identify your disability and the arrangements you require. Any information you provide is voluntary and will be kept confidential.

Exam Location Requested: Madison — Milwaukee

Exam Date: June 9/9/89

BOARD OFFICE USE ONLY

Liability Coverage

☒ Bond
☒ Insurance

Study Manual Sent

5/24/89

REG TYPE

063

NUMBER

8311

GRANT DATE

12-20-89

REG DATE

8-31-90

FP TO:
RECEIVED:

CIB

5/24/89
6/21/89

FBI

State of Wisconsin Department of Regulation & Licensing

Identification information, relating to fingerprint cards:

Social Security #	Height	Weight	Color Eyes	Color Hair	Sex	Ethnic Origin
396-72-3700	6'1"	180	BLUE	BROWN	M	BLACK

Have you lived in Wisconsin continuously during the past 5 years? YES ☒ NO ☐

Mark an X on the appropriate line. If you answer Yes to any question, give all details on a separate sheet of paper.

YES NO

Have you been convicted of a felony or a misdemeanor or ordinance violation (excluding traffic violations). If "Yes" and within the last 5 years, explain and attach a copy of the criminal complaint and judgment of conviction. If applicable, list the name and phone number of your probation or parole officer.

— ☒

Are criminal charges pending against you? If "Yes", explain and attach a copy of the criminal complaint.

— ☒

Have you ever received inpatient or outpatient treatment for drug or alcohol abuse?

— ☒

Have you ever been denied a private detective license (excluding exam failure), or has your private detective license or any other kind of professional or occupational license ever been reprimanded, limited, suspended, or revoked in this or any other state?

— ☒

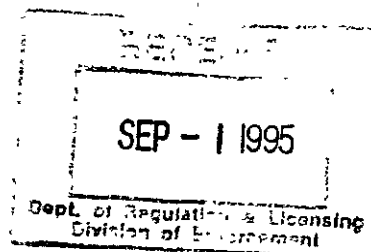
Will your work assignment require you to carry a firearm or other dangerous weapon while on duty? If "Yes", attach Form #467, Firearm Certification of Proficiency.

— ☒

Certification: ☐ Is attached; ☐ Will be filed before carrying firearm

EMPLOYMENT RECORD FOR THE LAST TEN YEARS

5/87 to Present	Photo FAST 275 W. Wisconsin Milwaukee, WI	TO Present lab technician	presently employed
4-76 to 4-87	Lenas 338 W. North Ave Milwaukee	general laborer	job advertisement



State of Wisconsin Department of Regulation & Licensing

I do solemnly swear that the foregoing statements are true and correct. I understand that failure to comply with the Wisconsin Statutes and the rules of the department may result in disciplinary action against my license.

Larry Payne Jr.
Signature of Applicant

5/15/89
Date

Subscribed and sworn before me this 15th day of May, 1989.

10/8/92
Signature of Notary Public

Angela Kvidera
Date commission expires

IMPORTANT - ATTACH THE FOLLOWING:

1. Exam/License Fee - \$40 check payable to Department of Regulation and Licensing.
2. Evidence of bond in the amount of \$2,000, effective for licensed period (unless the agency employer has evidence of a liability policy which covers all of its private detectives).
3. TWO fingerprint cards properly completed pursuant to RL 31.03(1)(b), Wis. Adm. Code.
4. ONE recent color photograph of the applicant's head and shoulders only.

TO BE COMPLETED BY PRIVATE DETECTIVE AGENCY EMPLOYER

1. Enter name of employing agency exactly as it appears on the agency's license - either name of sole proprietor, corporation, or partnership:

KVIDERA - INVESTIGATIONS / Angela Kvidera
private detective agency's name as on license

State of Wisconsin Department of Regulation & Licensing

2. Enter the employing agency's license number as it appears on the agency's license.

7545-7

3. Enter the business address of the employing agency's main office.

<u>412</u>	<u>E</u>	<u>Henry Clay</u>	
number		street	apartment number
<u>Whitefish Bay</u>	<u>Wisconsin</u>	<u>53217</u>	
city	state	zip code	

4. Enter the area code and main office telephone number: (414) 964-9056

5. This statement must be signed by the sponsoring sole proprietor owner of the agency or by the officer or partner of a corporation or partnership who has been designated as the principal. Print or type name of person signing below.

<u>KVIDERA</u>	<u>ANGELA</u>	<u>M</u>
last	first	initial

6. This is to certify I will assume responsibility for the private detective applicant pursuant to the department rules. I also certify that the private detective, as required by s. 440.26(4), Stats.:

☒ Is

☐ Is not

covered by our agency liability policy.

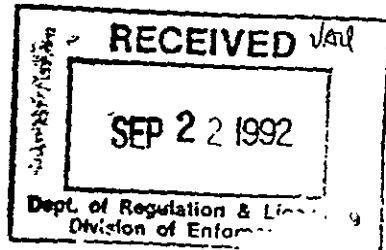
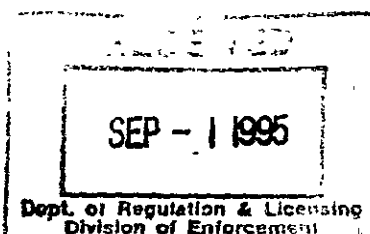
Angela Videra
Signature of agency sole proprietor,
officer or partner

May 22, 1989
Date

Subscribed and sworn before me this 22 day of May, 1989

J. R. Anthony
Signature of Notary Public

April 18, 1992
Date commission expires



KVIDERA INVESTIGATIVE IS

412 East Henry Clay Street
Whitefish Bay, Wisconsin 53217
(414) 964-9056

March 16, 1990

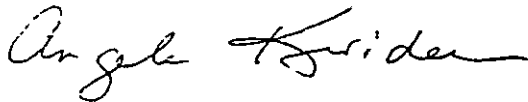
Alberta Perkins
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708

Dear Ms. Perkins:

As determined from the Wisconsin Administration Code RL 32.05, enclosed please the licenses for Leroy Payne. Mr. Payne will be transferring his license over to API Investigations at 522 Doty Street in Green Bay, Wisconsin and no longer be employed by Kvidera Investigations.

Thank you.

Sincerely,



Angela Kvidera
Private Investigator

Encl.

RECEIVED
90 MAR 19 PM 1:03
REGULATION & LICENSING

EXHIBIT 2

Department of Regulation & Licensing

State of Wisconsin

Information requested below
is required for processing
this application.

P.O. Box 8935, Madison, WI 53708
(608) 266-0829

NOTICE OF EMPLOYMENT OR TRANSFER OF PRIVATE DETECTIVE LICENSE

FEE: SUBMIT \$5.00 CHECK PAYABLE TO DEPARTMENT OF REGULATION AND LICENSING

YOU MUST EITHER BE COVERED BY YOUR EMPLOYER'S LIABILITY POLICY OR
YOU MUST OBTAIN YOUR OWN ~~\$200,000~~ ^{100,000} BOND. DO NOT MAIL THIS FORM UNTIL
YOU ARE COVERED EITHER BY BOND OR INSURANCE. AN INDIVIDUAL MAY ACT
AS A PRIVATE DETECTIVE WHEN THIS PROPERLY COMPLETED FORM WITH THE
FEE IS IN THE MAIL TO THE DEPARTMENT.

OFFICE USE ONLY

063 8311-0

☒ Transfer
☐ Added Employ

☐ Bond
☒ Insurance

TYPE OR PRINT IN INK

SECTION A: TO BE COMPLETED BY PRIVATE DETECTIVE APPLICANT

Enter your last name, first name and middle name:

PAYNE SOSEZ IV ELLAWIM
last first middle

Enter the address at which you reside.

A POST OFFICE BOX
IS NOT SUFFICIENT
FOR LICENSING.

529 E. LOCUST
number street apartment number
MILWAUKEE WI 53212
city state zip code

DATE OF BIRTH: 2 11 61
month day year

TELEPHONE NUMBER - Where you can be contacted
during the day: (414) 265-6031

Enter your license number: 8311

Place a check mark in front of ONE of the following and fill in the blank if applicable:

Reason for completing this form:

☒ I am transferring from the employment of A.P.I. - 5104-0
to the agency listed on the reverse side.

☐ I will work for more than one agency employer and the agency listed on the
reverse side is in addition to the agency employer(s) the department already
has on record.

I do solemnly swear that the foregoing statements are true and correct. If it is
necessary for me to carry a firearm or other dangerous weapon while on duty, I will
secure permission to do so, as required by law, and file a Firearm Certification
Proficiency (Form #467) in the use of such weapon with the Department of Regulation
and Licensing. I understand that failure to comply with the Wisconsin Statutes and
the rules of the department may result in disciplinary action against my license.

WISREG / LICNSG

Signature of Applicant

Date

8/6/90

9427#

Subscribed and sworn before me this 6th day of Aug., 1990.

DUP LI 5.00

Signature of Notary Public

Date commission expires

July 12, 1992

5398444401031390

#1329 (rev. 6/89)

SEE REVERSE SIDE

Ch. 440.26, Wis. Stats. Committed to Equal Opportunity in Employment and Licensing

EXHIBIT 4

State of Wisconsin Department of Regulation & Licensing

SECTION B: TO BE COMPLETED BY PRIVATE DETECTIVE AGENCY

Enter name of employing agency exactly as it appears on the agency's license - either name of sole proprietor, corporation, or partnership.

ALPHA OMEGA SECURITY
312 E. WISCONSIN AVENUE

private detective agency's name as on license

Enter the employing agency's license number as it appears on the agency's license:

7420

Enter the business address of the agency's main office.

ALPHA OMEGA SECURITY
312 E. WISCONSIN AVENUE
SUITE 601
MILWAUKEE, WI 53202

number

street

apartment number

city

state

zip code

Enter the area code and main office telephone number: 414-276-9144

This statement must be signed by the sponsoring sole proprietor owner of the agency or by the officer or partner of a corporation or partnership who has been designated as the principal. Print or type name of person signing below.

Washow-Toepfer

Paula

B.

last

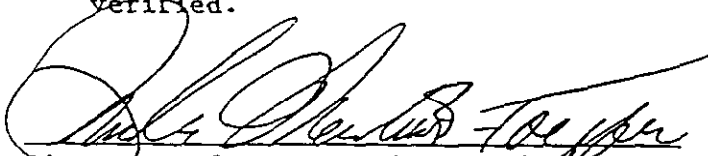
first

initial

This is to certify I will assume responsibility for the private detective applicant pursuant to the department rules. I also certify that the private detective, as required by s. 440.26(4), Wis. Stats., is covered by one of the following:

☒ Our agency liability policy.

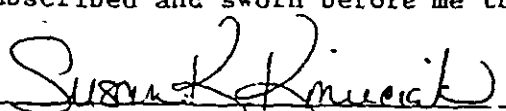
☐ A \$2,000 bond which specifically covers the applicant and which I have verified.


Signature of agency sole proprietor,
officer or partner

Date

8/7/90

Subscribed and sworn before me this 6th day of August, 1990


Signature of Notary Public

11-1-91
Date commission expires

Dept. of Regulation & Licensing
Division of Enforcement

Dept. of Regulation & Licensing
Division of Enforcement

SECTION B: TO BE COMPLETED BY PRIVATE DETECTIVE AGENCY

Enter name of employing agency exactly as it appears on the agency's license - either name of sole proprietor, corporation, or partnership:

Attorney's Process and Investigation Services, Inc.
private detective agency's name as on license

Enter the employing agency's license number as it appears on the agency's license:

5104

Enter the business address of the employing agency's main office.

522 Doty Street

number

street

apartment number

Green Bay, WI 54301

city

state

zip code

Enter the area code and main office telephone number:

This statement must be signed by the sponsoring sole proprietor owner of the agency or by the officer or partner of a corporation or partnership who has been designated as the principal. Print or type name of person signing below.

Nelson

Dennis

J.

last

first

initial

This is to certify I will assume responsibility for the private detective applicant pursuant to the department rules. I also certify that the private detective, as required by s. 440.26(4), Wis. Stats., is covered by one of the following:

☒ Our agency liability policy.

☐ A \$2,000 bond which specifically covers the applicant and which I have verified.

X *Dennis Nelson*
Signature of agency sole proprietor,
officer or partner

March 27, 1990
Date

Subscribed and sworn before me this 27th day of March, 1990

Carol C. Howard
Signature of Notary Public

3/20/94
Date commission expires

SEP - 1 1995

Dept. of Regulation & Licensing
Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

Information requested below
is required for processing
this application.

P.O. Box 8935, Madison, WI 53708
(608) 266-0829

NOTICE OF EMPLOYMENT OR TRANSFER OF PRIVATE DETECTIVE LICENSE

FEE: SUBMIT \$5.00 CHECK PAYABLE TO DEPARTMENT OF REGULATION AND LICENSING

YOU MUST EITHER BE COVERED BY YOUR EMPLOYER'S LIABILITY POLICY OR
YOU MUST OBTAIN YOUR OWN \$2,000 BOND. DO NOT MAIL THIS FORM UNTIL
YOU ARE COVERED EITHER BY BOND OR INSURANCE. AN INDIVIDUAL MAY ACT
AS A PRIVATE DETECTIVE WHEN THIS PROPERLY COMPLETED FORM WITH THE
FEE IS IN THE MAIL TO THE DEPARTMENT.

OFFICE USE ONLY

063

8311

☒

Transfer

☐

Added Employ

☐

Bond

☐

Insurance

TYPE OR PRINT IN INK

SECTION A: TO BE COMPLETED BY PRIVATE DETECTIVE APPLICANT

Enter your last name, first name and middle name:

Payne Leroy
last first middle

Enter the address at which you reside.

529 E. Locust St.
number street apartment number
Milwaukee, WI 53212
city state zip code

DATE OF BIRTH: 02 11 51 TELEPHONE NUMBER - Where you can be contacted
month day year during the day: (414) 255 - 5031

Enter your license number:

Place a check mark in front of ONE of the following and fill in the blank if applicable:

Reason for completing this form:

- ☒ I am transferring from the employment of Kvidera Investigations
to the agency listed on the reverse side. 412 E Henry Clay
☐ I will work for more than one agency employer and the agency listed on the
reverse side is in addition to the agency employer(s) the department already
has on record. Whitefish Bay 53217

I do solemnly swear that the foregoing statements are true and correct. If it is
necessary for me to carry a firearm or other dangerous weapon while on duty, I will
secure permission to do so, as required by law, and file a Firearm Certification of
Proficiency (Form #467) in the use of such weapon with the Department of Regulation
and Licensing. I understand that failure to comply with the Wisconsin Statutes and
the rules of the department may result in disciplinary action against my license.

Signature of Applicant

Date

4/6/90

Subscribed and sworn before me this 6th day of Apr., 1990.

Signature of Notary Public

Date commission expires

3-20-94

#1329 (rev. 6/89)

SEE REVERSE SIDE

Ch. 440.26, Wis. Stats.

Committed to Equal Opportunity in Employment and Licensing

EXHIBIT 3

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

ANGELA KVIDERA,
RESPONDENT.

:
: STIPULATION
: 92RAL 048
:

It is hereby stipulated between Angela Kvidera, personally on her own behalf and Gerald M. Scanlan, 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 investigation of Angela Kvidera's licensure by the Division of Enforcement. Angela Kvidera consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Angela Kvidera understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Angela Kvidera is aware of her right to seek legal representation and has obtained legal advice prior to signing this Stipulation.

4. Angela Kvidera agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing. 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. Respondent waives 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 The parties to this Stipulation agree that the attorney for the Division of Enforcement and the member of the Bureau of Direct Licensing and Real Estate assigned as an

RECEIVED

SEP 20 1995

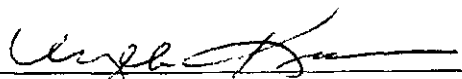
Dept. of Regulation & Licensing
Division of Enforcement

SEP 7

Dept. of Regulation & Licensing
Division of Enforcement

advisor in this investigation may appear before the Department of Regulation and Licensing for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with their deliberations on the Stipulation.

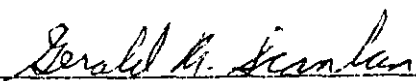
7. The Division of Enforcement joins Angela Kyidera in recommending the Department of Regulation and Licensing adopt this Stipulation and issue the attached Final Decision and Order.


Angela Kyidera
Respondent

9/18/95
Date


Thomas L. Skalmoski, Attorney for Respondent

9/19/95
Date


Gerald M. Scanlan Attorney
Division of Enforcement

10/2/95
Date

GMS:dab
ATY-HLG1124

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:

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:

OCTOBER 4, 1995.

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.)

SECTIONS 227.49 AND 227.53, OF THE WISCONSIN STATUTES

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

5. The savings bank review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.