

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 :

LEON MARVIN,
RESPONDENT

FINAL DECISION AND ORDER
98 RSG 019

LS9806175 RSG

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Leon Marvin
904 W. 3rd Ave.
Brodhead, WI 53520

Department of Regulation and Licensing
Division of Enforcement
PO 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 Department. The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. On or about September 18, 1997, Leon Marvin (DOB 05/04/23) submitted an application for a Private Security Permit to the Wisconsin Department of Regulation and Licensing. Mr. Marvin's last known address is 904 W. 3rd Ave., Brodhead, WI 53520.

2. In Mr. Marvin's application materials, he indicated "No" in response to the following question:

Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state. **OR** are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252.

3. On or about December 22, 1997, The Department of Regulation and Licensing approved Mr. Marvin's application and granted him a security guard permit (#6376).

4. Subsequent to the issue of this permit, the Department received a report from the FBI, which revealed that Respondent had an extensive history of criminal convictions, including at least one felony conviction.

5. On or about February 24, 1959 Respondent was convicted of carnal knowledge and abuse of a female child of the age of 15 years not his wife. A true and correct copy of the Warrant, Information and Court Record are attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Order.

6. In resolution of this matter, Mr. Marvin consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. A felony conviction constitutes a bar to the issuance of a security guard permit under section 440.26(5m)(2) of the Wisconsin statutes.

2. The provision of false information in an application for a security guard permit constitutes a violation of sec. 440.26(6), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The Department ACCEPTS the SURRENDER of the private security permit of Leon Marvin (permit #6376).
2. IT IS FURTHER ORDERED that should Mr. Marvin reapply for a Wisconsin permit, the Department may in its sole discretion determine whether, and under what terms and conditions, this permit may be reissued.
3. This Order shall become effective upon the date of its signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By Maureen A. Conway
A Member of the Department

6/17/98
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
LEON MARVIN,	:	98 RSG 019
RESPONDENT.	:	

It is hereby stipulated between Leon Marvin, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Marvin's Permit by the Division of Enforcement (98 RSG 019). Mr. Marvin consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Marvin understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Americans with Disabilities Act of 1990, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Marvin is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Mr. Marvin agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing (hereinafter referred to as "Department"). 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 may appear before the Department 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 Mr. Marvin in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Leon Marvin
Leon Marvin

6/11/98
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

6.15.98
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

In the Matter of the Disciplinary Proceedings Against

Leon Marvin,

AFFIDAVIT OF MAILING


Respondent.

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 June 22, 1998, I served the Final Decision and Order dated June 17, 1998, LS9806175RSG, upon the Respondent Leon Marvin 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 Z 233 819 520.
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:

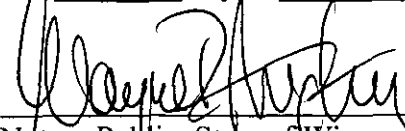
Leon Marvin
904 W. 3rd Avenue
Brodhead WI 53520



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 22nd day of June, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: LEON MARVIN

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 6/22/98. 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