

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

In The Matter of Disciplinary Proceedings

Against:

MARK S. DALIN, JR.,

Applicant

ORDER REVOKING CONDITIONAL

PRIVATE SECURITY PERMIT

Case No.0005091RSG

To:

Applicant: :

Mark S. Dalin, Jr.

3330 W. Wells St #302-3

Milwaukee, WI 53208

Applicant's Agency Employer

Merchants Police

647 W. Virginia St., Suite 101

Milwaukee, WI 53204

FINDINGS OF FACT

1. Mark S. Dalin, Jr., herein (Applicant) whose address is 3330 W. Wells St. #302-3, Milwaukee, Wisconsin 53208, holds Conditional Private Security Permit No. 13844 which was issued by the State of Wisconsin Department of Regulation and Licensing (Department) under a Stipulation and Order for Issuance of Conditional permit, a copy of which is annexed hereto.

2. The Order for Issuance of Conditional Permit includes the following provisions:

"The Applicant agrees to accept a conditional private security permit subject to the terms and conditions set forth below:

"1) The permit is conditioned upon successful completion of a FBI background search on the Applicant.

"2) Upon receipt of an adverse background report, the Department may, without further notice, pleading, appearance or consent of the parties issue an Order revoking the conditional permit. An Order issued pursuant to this paragraph will be sent to Applicant's mailing address, and a copy shall be sent to Applicant's Agency Employer. Applicant waives all rights to any appeal of a Department order revoking the permit if adopted pursuant to the terms of this paragraph."

3. The Department received a criminal history report from the United States Department of Justice Federal Bureau of Investigation updated on April 13, 2000 which indicates Applicant has been convicted of the following felony crimes:

a. July 8, 1997 – Petit Theft – Florida

b. March 24, 1998 – Petit Theft - Florida

Records also indicate Applicant was convicted of misdemeanor crimes in Florida in 1986, 1995, 1996, 1997 and 1998, which substantially relate to the private security profession, and which were not disclosed to the Department.

A copy of the adverse criminal history report is attached hereto.

4. The Department has not received any evidence that Applicant has been pardoned for any felony conviction identified in the criminal history report described in paragraph 3, above.

CONCLUSIONS OF LAW

A. Applicant has not met the condition in the Order that requires successful completion of a FBI background search on the Applicant.

B. Under sec. 440.26(5m)2., Stats., an individual who has been convicted of a felony in this state or elsewhere and who has not been pardoned for that felony is not eligible for a permit under sec. 440.26, Stats.

C. On the basis of the criminal history report described in paragraph 3. of the FINDINGS OF FACT, above, Applicant has been convicted of a felony in this state or elsewhere and has not been pardoned for that felony.

D. Applicant is not eligible for a permit under sec. 440.26, Stats.

E. The Department has authority to issue the following Order under Chapter 440, Stats., and the provisions in the Stipulation and Order for Issuance of Conditional Permit.

ORDER

Now, Therefore, It Is Ordered That the Conditional Private Security Permit No. 13844 of Mark S. Dalin, Jr. is REVOKED and Applicant Mark S. Dalin, Jr. shall cease and desist from acting as a private security person and from engaging in private security activities in Wisconsin.

It Is Further Ordered That Applicant shall have an opportunity to challenge the accuracy of the information contained in the criminal history report described in paragraph 3. of the FINDINGS OF FACT, above by submitting information to the Administrator, Division of Business Licensure and Regulation, P.O. Box 8935, Madison WI 53708-8935 within 10 days after the date of signing, below.

It Is Further Ordered That Revocation of the Applicant's conditional private security permit shall become effective on the tenth day after the date of signing, below.

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It Is Further Ordered That Applicant shall immediately return the wallet size conditional private security permit and the 3 ½ x 5 ¼ wall certificate to the Department of Regulation and Licensing, Attention: Marlene Maly, P.O. Box 8935, Madison, WI 53708-8935.

Dated this 7th day of May, 2000.

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

By Cletus J. Hansen, Administrator,

Division of Business Licensure and Regulation

Attachments: Stipulation and Order for Issuance of Conditional Permit

FBI Criminal History Report