

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:

MIDSSTATES SECURITY POLICE, INC.,

FINAL DECISION AND ORDER

RESPONDENT

LS0102222RAL

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

Midsstates Security Police, Inc.

20 Forest Avenue

Fond du Lac, WI 54936

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 State of Wisconsin, Department of Regulation and Licensing, having considered the stipulation agreement annexed-hereto of the parties, in resolution of the captioned-matters, makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Department, that the stipulation agreement annexed-hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Department of Regulation and Licensing.

Let a copy of this order be served on Respondent by certified mail.

Dated this 22nd day of February, 2001.

Marlene Cummings

Secretary

Department of Regulation and Licensing

STATE OF WISCONSIN

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

MIDSSTATES SECURITY POLICE, INC.,

STIPULATION

RESPONDENT

98 RAL 023 and 00 RSG 050

Respondent Midsstates Security Police, Inc. (Midsstates), and Complainant's attorney Henry E. Sanders, Division of Enforcement, having reached agreements for disposition of the captioned-matters, stipulate and agree as follows:

1. Respondent Midsstates (#5043) of 20 Forest Avenue, Fond du Lac, Wisconsin 54936, was at various times material to the complaints, licensed/unlicensed, without required liability insurance, and in expired license and "Hold" statuses, but had been initially licensed as a private detective agency since October 6, 1978.

a. At all time material to the complaints, Respondent had a right of renewal, thusly, has always been subject to the jurisdiction of the Department.

2. This stipulation shall be submitted to the Department of Regulation and Licensing (Department) for approval and disposition of the matters. If the terms of the stipulation are not acceptable to the Department, then the parties shall not be bound by any of the provisions of the stipulation.

a. This stipulation is dispositive of investigative complaints nos. 98 RAL 023 and 00 RSG 050.

3. Respondent has been advised of his right to public hearings on each and every allegation of the complaints, but hereby freely and voluntarily waives its right to hearings in these matters on the condition that all provisions of this stipulation be acceptable to and approved by the Department.

a. Respondent further agree to waive any appeal of the Department's Final Decision and Order adopting the stipulation agreement.

4. Initially, since October 6, 1978, Respondent was owned and operated as a private detective agency by Donald J. Arndt, who died on about January 11, 1994.

5. Thereafter, the Department received a complaint against Respondent alleging that the agency was owned and operated by Arndt's niece, Marchelle Steffens, that the agency's liability insurance was cancelled and/or had lapsed on about July 26, 1997, that the agency licenses had expired in September 1998, and placed on "Hold" status, and that during those entire periods, the agency had unlicensed individuals engaged in security guard related work.

6. Investigations into the two complaints determined that, on exact dates unknown, but continuing at least from July 1997, and continuing through at least February 14, 2001, Respondent agency has variously and continuously engaged in unlicensed practice, operated without required liability insurance, hired and employed unlicensed security guards, and engaged in security guard activities while in an unlicensed status, not inclusive.

7. Marchelle Steffens, sole proprietor of Respondent agency, continually failed to respond to the Department's investigative inquiries, and subpoena, and/or was substantively non-responsive or dilatorily responsive.

8. Accordingly, based upon the above enumerated facts, Respondent Midsstates has variously violated, aided or abetted secs. RL 32.07(1)(b)-(2), Wis. Adm. Code; (1) Change of owners or officers; (b) The prospective new owner of a licensed agency shall apply for and receive an original agency license before engaging in business; (2) If there is a change in any of the officers of the corporation . . . the agency shall notify the Department of the change before new officers or partners take office. Officers or members of an agency shall comply with sec. RL 31.02(1)(b), Wis. Adm. Code; violated variously Chapter 440, subchapter II, Wis. Stats.; sec. 440.26(1)(a), Wis. Stats., Private Detectives, Investigators and Security Personnel; Licenses and Permits. (1) Licenses or Permits Required, (a) No person may do any of the following unless he/she has a license or permit issued under this section:

1. Advertise, solicit or engage in the business of operating a private detective agency.

3. Act as a supplier of private security personnel.

a. Violated sec. RL 440.26(4), Wis. Stats., Bonds or Liability Policies Required; violated variously, secs. RL 31.01, Wis. Adm. Code. Credential Required. (1) Private Detective Agency. (a) . . . a person shall obtain a private detective agency license before engaging in the following activities:

1. Advertising, soliciting or engaging in the business of a private detective agency.
2. Acting as a private detective, private investigator, investigator or private security person.
3. Acting as a supplier of private security personnel.
4. Soliciting business or performing any other type of services or investigation as a private detective or private security person.

b. Violated variously secs. RL 31.034(1)-(2), Wis. Adm. Code. Private detective agency's responsibility to obtain and maintain a bond or liability policy. (2) . . . shall maintain without lapse in coverage the bond or comprehensive general liability policy submitted to the Department before the issuance of an original or renewal license.

c. Violated variously secs. RL 35.01(2), (11), (13), (23), Wis. Adm. Code. Unprofessional Conduct: (2) Violating, or aiding or abetting the violation of any law, the circumstances of which substantially relate to the practice of a private detective or security person; (11) Failing to maintain a bond or liability policy for the period of licensure as required by sec. 440.26, Stats.; (13) Assigning any person to perform private detective or security personnel duties who has not been issued a license or permit prior to performing the services; (19) Practicing without current credential, and (23). After a request by the Department, failing to cooperate in a timely manner with the Department's investigation(s) of complaints filed against a credential holder. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the Department has not acted in a timely manner.

9. Based upon the above and in settlement of these matters, Respondent Midsstates Security Police, Inc., hereby consents, accepts and agrees to pay the amount of \$1,000.00 assessment of cost; and that the private detective agency license of Respondent is limited as follows:

For a period of one (1) year from the date of this order, Respondent shall submit reports on a quarterly basis to the Department monitor in the Department of Regulation and Licensing, Division of Enforcement. The quarterly reports shall include a true and accurate accounting of: a) the names and addresses of all employees employed by Respondent as security guards; b) the date of first hire for each such employee; c) their private security license numbers; and d) the dates of security guard work for each employee.

10. The \$1,000.00 assessment of costs shall be payable by cashier's check or money order and made payable to the Department of Regulation and Licensing, and shall be payable within six (6) months of the effective date of the Department's order; and submitted to the attention of the Department's monitor, hereinafter. If Respondent shall fail to pay the assessment of costs, or to submit the quarterly reports as ordered, without getting written extension from the Department to extend same, then it shall be considered to be in violation of the Department's order, and the private detective agency license shall be suspended, without further notice or hearing.

11. The unlicensed practice of Respondent as a private detective agency, or the engaging and security guard related activities without a bond or liability insurance or the illegal employment of unlicensed personnel to perform security guard work will result in further disciplinary action against Respondent's license.

Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

12. Upon successful and continuous compliance with the terms of this original order until completion, the Department shall restore Respondent's license to full and unrestricted status.

13. Respondent agrees that this stipulation agreement may be incorporated into the Department's Final Decision and Order adopting the stipulation agreement.

14. Respondent further agrees that Complainant's Attorney Sanders, and Division Administrator, Clete Hansen, may appear any closed deliberative meeting of the Department with respect to the stipulation, but those

appearances will be limited solely to clarification, justification and to statements in support of the stipulation and for no other purpose.

Midsstates Security Police, Inc.	2-22-01
Respondent	Date
Henry E. Sanders	2-22-01
Complainant's Attorney	Date