

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	:	FINAL DECISION
	:	AND ORDER
ANTHONY SMITH,	:	LS0404266RSG
RESPONDENT	:	

Division of Enforcement Case No. 02 RSG 038

The parties to this action for the purposes of Section 227.53 of the Wisconsin Statutes are:

Anthony Smith
3210 West Wells
Apartment 104
Milwaukee, WI 53208

Department of Regulation and Licensing
Division of Enforcement
Post Office 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

- On March 30, 1998, Anthony Smith (Date of Birth: October 7, 1978) was first granted a Private Security Person Permit (#108-7287) by the Wisconsin Department of Regulation and Licensing. Mr. Smith’s last address reported to the Division of Enforcement is 3210 West Wells, Apartment 104, Milwaukee, Wisconsin 53208. The Department of Regulation and Licensing has learned that Mr. Smith is presently incarcerated at the Milwaukee County House of Correction, 1004 North 10th Street, Milwaukee, WI 53223. The mailing address for the House of Correction is 8885 South 68th Street, Franklin, WI 53132.
- On or about May 24, 2002, a Criminal Complaint was filed in Milwaukee County Circuit Court, Criminal Division against Mr. Smith. The charge was misdemeanor battery. A true and correct copy of the Criminal Complaint in this matter is attached as Exhibit A. It appears from court records that Criminal Complaint was given to Mr. Smith on or about July 21, 2002.
- On or about August 7, 2002, Mr. Smith filed with the Department of Regulation and Licensing a Renewal Application for the Private Security Person Permit. A copy of the Renewal Application is attached as Exhibit B and is incorporated herein by reference.
- The application contained the following language on the form:

“HAVE YOU BEEN CONVICTED WITHIN THE PAST TWO YEARS OF A FELONY, A MISDEMEANOR OR A VIOLATION OF ANY STATE OR LOCAL LAW (OTHER THAN TRAFFIC) THAT IS PUNISHABLE BY FORFEITURE, OR ARE CHARGES PENDING (If YES, provide information.)

Mr. Smith indicated “NO” to the above question.

5. On or about October 7, 2002, Mr. Smith was convicted in Milwaukee County Circuit Court of the misdemeanor charge of Disorderly Conduct (Case 02CM004801), a violation of Sec. 947.01, Stats. (Disorderly Conduct). A true and correct copy of the Criminal Complaint and Judgment of Conviction and Sentence to the County Jail/Fine/Forfeiture in this matter is attached as Exhibit C.

6. On or about October 7, 2002, Mr. Smith was convicted in Milwaukee County Circuit Court of the misdemeanor charge of Disorderly Conduct – Use of Dangerous Weapon (Case 02CM006711), a violation Sec. 947.01, Stats. (Disorderly Conduct), and Sec 939.63, Stats. (Penalties, Use of a Dangerous Weapon). A true and correct copy of the Criminal Complaint and Judgment of Conviction. – Sentence Imposed and Stayed, Probation Ordered in this matter is attached as Exhibit D.

7. Mr. Smith did not report his October 7, 2002, convictions to the Department of Regulation and Licensing until October 18, 2002.

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

CONCLUSIONS OF LAW

1. Under Sec. 440.26(6)(a)3., Stats., the Department of Regulation and Licensing may reprimand the holder of a permit or revoke, suspend or limit the permit of any permit holder who has made a false statement connection with any application for a license or permit.

2. Under Wisconsin Administrative Code § RL 35.01(18), the Department of Regulation and Licensing may reprimand the credential holder, deny the application for renewal, limit, suspend or revoke the credential of a credential holder who has provided false information to the Department.

3. Failure to notify the Department of Regulation and Licensing of a misdemeanor conviction within 48 hours after the judgment of conviction is a violation of Sec. 440.26(4m)(b), Stats., and Wis. Admin. Code § RL 35.01(2).

4. Under Sec. 440.26(6)(a)1., Stats., the Department of Regulation and Licensing may reprimand the holder of a permit or revoke, suspend or limit the permit of any permit holder who has been convicted of a misdemeanor.

5. Under Wis. Admin. Code RL § 35.01(8), the Department of Regulation and Licensing may limit, suspend or revoke a credential upon proof that the credential holder has engaged in conduct reflecting adversely on professional qualifications, including violations of firearms rules and regulation.

6. Mr. Smith made a false statement in his August 7, 2002, Renewal Application when he indicated “NO” to question concerning pending charges, in violation of Sec. 440.26(6)(a)3., Stats. Mr. Smith provided false information to the Department in his August 7, 2002, Renewal Application when he indicated “NO” to the question concerning pending charges, in violation of Wis. Admin. Code § RL 35.01(18). By the use of a dangerous weapon in the criminal case set forth in Paragraph 3 in the above Findings of Fact, Mr. Smith has violated state or federal rules and regulations related to the care, handling or use of firearms or other dangerous weapons and thus has violated Wis. Admin. Code RL § 35.01(8). Mr. Smith’s misdemeanor convictions set forth in Paragraphs 5 and 6 in the above Findings of Fact are violations of Sec. 440.26(6)(a)1. By not reporting his misdemeanor convictions within 48 hours of the judgment of conviction, Mr. Smith violated Sec. 440.26(4m)(b), Stats., and Wis. Admin. Code § RL 35.01(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The Department of Regulation and Licensing ACCEPTS the SURRENDER of the Private Security Permit of Anthony Smith (permit #108-7287).

2. IT IS FURTHER ORDERED that should Mr. Smith reapply for a Private Security Permit, the Department of Regulation and Licensing 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 signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By: Donsia Strong Hill
Secretary

4-26-04
Date