

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- 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>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINDINGS & ORDER
	:	LS0410137RSG
FREDDIE FERNANDEZ	:	
RESPONDENT.	:	

Division of Enforcement File: 04 RSG 009

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

Freddie Fernandez  
419 East Concordia Avenue  
Milwaukee, WI 53212

Department of Regulation and Licensing  
Office of the Secretary  
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 parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the designee of the Secretary of the Department of Regulation and Licensing (“Designee”). The Designee has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

- Freddie Fernandez (“Respondent”), whose date of birth is June 20, 1956, possesses a permit to practice as a Private Security Person in the state of Wisconsin (license #108-7380), which was first granted on April 8, 1998. Respondent also possesses a certification of firearms proficiency, which was first granted on November 10, 2000.
- Respondent’s last address reported to the Department of Regulation and Licensing (“Department”) is 419 East Concordia Avenue, Milwaukee, WI, 53212.
- On February 4, 2004, Respondent presented himself at the Department of Transportation, Division of Motor Vehicles, at its service center located at 819 North 6<sup>th</sup> Street, Milwaukee, Wisconsin, ostensibly for the purpose of obtaining identification using the birth certificate of another person.
- At some point during the attempt the Respondent stated to an employee of the Division of Motor Vehicles that she had “passed the test,” and explained that he was conducting a survey to see how easy it was to obtain false identification from the State of Wisconsin.
- At some point during the attempt a State Capitol Police officer arrived, and the Respondent stated that he was working in cooperation with the Milwaukee County District Attorney’s Office. The officer made two or more attempts to verify Respondent’s claim with the Milwaukee County District Attorney’s Office, but could find no one at that office who

knew of either the Respondent, or an investigation concerning whether false identification could be obtained from the State of Wisconsin.

6. Respondent has stated that he was conducting the survey for the purpose of obtaining contracts for his private investigation agency from the Division of Motor Vehicles. At the time of the incident the license of said private investigation agency, Milwaukee Protection Unit, LLC (license # 62-16146), had expired. Respondent has stated that Milwaukee Protection Unit, LLC, never had any clients or contracts.

7. Per Wis. Admin. Code § RL 35.01(2), it is unprofessional conduct for any licensee to violate “any law the circumstances of which substantially relate to the practice of a... private security person.”

### CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stats. § 440.26(6).

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

3. By his conduct as set forth above in paragraphs three (3) and four (4) of the Findings of Fact the Respondent made one or more false statements to the Department of Transportation in violation of Wis. Stats. § 345.17(1)(c).

4. Respondent’s violation of Wis. Stats. § 345.17(1)(c) is unprofessional conduct within the meaning of Wis. Admin. Code § RL 35.01(2), because the circumstances of the violation of Wis. Stats. § 345.17(1)(c) substantially relate to the practice of a licensed security guard given that governmental officials must be able to rely upon security guards to provide them with truthful information, and given that the Respondent’s conduct was committed in the course of attempting to secure work for his private detective agency.

5. By his conduct as set forth above in paragraph five (5) of the Findings of Fact the Respondent obstructed a State Capitol Police officer in violation of Wis. Stats. § 946.41(1).

6. Respondent’s violation of Wis. Stats. § 946.41(1) is unprofessional conduct within the meaning of Wis. Admin. Code § RL 35.01(2), because the circumstances of the violation of Wis. Stats. § 946.41(1) substantially relate to the practice of a licensed security guard given that law enforcement officers must be able to rely upon security guards to provide them with truthful information, and given that the Respondent’s conduct was committed in the course of attempting to secure work for his private detective agency.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the Private Security Person Permit and Firearms Certification of Proficiency of Respondent **FREDDIE FERNANDEZ**, credential # 108-7380, are hereby **REVOKED**.

IT IS FURTHER ORDERED, that all evidence of any Private Security Person Permit and Firearms Certification of Proficiency previously issued to Respondent Freddie Fernandez shall be returned to the Department of Regulation and Licensing at the address indicated below no later than thirty (30) days within the date of this order; OR that Respondent Freddie Fernandez shall submit to the Department of Regulation and Licensing at the address indicated below an affidavit stating that said evidence of credentials was confiscated by the State Capitol Police, and that he has delivered a letter to the State Capitol Police requesting that the same be delivered to the address indicated below:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement

1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent Freddie Fernandez are terminated effective at 11:50 P.M. on the date of this Order.

IT IS FURTHER ORDERED, that file 04 RSG 009 is hereby closed.

The rights of a party aggrieved by this Decision to petition the Department of Regulation and Licensing for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 13<sup>th</sup> day of October, 2004.

**STATE OF WISCONSIN**  
**DEPARTMENT OF REGULATION AND LICENSING**

Sandra Rowe  
Secretary or Designee