

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
	:	
BYRON BISHOP,	:	Case LS #0404304RSG
APA OF MADISON INC.	:	
RESPONDENTS	:	

Division of Enforcement Cases ##00 RSG 013, 02 RSG 031 and 03 RSG 032

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Byron E. Bishop
1401 Langley Lane
Madison, WI 53718

APA of Madison, Inc.
802 West Broadway, Suite 111
Madison, WI 53713

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 parties in this matter agree to the attached Stipulation. Accordingly, the Department in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Byron E. Bishop (Bishop) was born April 7, 1966, and is licensed as a private security person in the State of Wisconsin under license # 22981, which expires on August 31, 2006. Respondent's most recent address on file with the Department of Regulation and Licensing (Department) is 1401 Langley Lane, Madison, WI 53718. Mr. Bishop has been licensed as a private investigator in the past, but permitted that license to expire as of August 31, 1994.
2. Respondent APA of Madison, Inc. (APA), is a closely held Wisconsin corporation and holds license #15830 as a private detective agency; the license expires on August 31, 2006.

Respondent's most recent address on file with the Department is 802 West Broadway, Suite 111, Madison, WI 53713. Respondent Bishop is president of and sole shareholder in APA.

3. On February 25, 1993, in a stipulated settlement of several complaints, Respondent Bishop surrendered the private detective agency license of Special Security Investigations (SSI). The informal complaints alleged that Respondent Bishop issued or caused to be issued checks on the SSI business account when the account contained insufficient funds to pay the checks. There were also allegations that Bishop had assigned unlicensed individuals to work at various Madison locations as private security persons without a uniform and nametag as required by the rules pertaining to private security persons. As provided in the stipulated settlement, Respondent Bishop's private detective license was suspended for 60 days beginning February 25, 1993.

4. On June 1, 2002, while investigating a complaint that Respondents had employed unlicensed persons as security guards, Investigator Ralph Draeger requested information regarding Respondents' policy regarding hiring and assignment of individuals who did not have private security guard permits from the Department. In a reply dated June 15, 2002, Respondent Bishop stated that APA did not have a policy in place to ensure that the employees performing private security person duties had received a permit from the Department.

5. On or about August 7, 2002, Respondents employed Richard Baird, who did not possess a private security person permit, as a security guard. Baird watched a training video on August 8, 2002, and started work as a security guard at the WPS building in Monona on August 12, 2002. He worked without supervision through August 16, 2002, when he found out that the Respondents had not applied for a security guard permit for him and he decided to leave APA.

6. On or about August 7, 2002, Respondents employed David Allen, who did not possess a private security person permit, as a security guard. Allen started work as a security guard at the WPS building in Monona on August 12, 2002. He worked without supervision through August 16, 2002, and on August 19-20, 2002, and resigned from APA on August 21, 2002, after finding out that Respondents had not applied for a security guard permit for him.

7. On October 16, 2002, Investigator Draeger and Investigator Candace Bloedow served a subpoena duces tecum on Respondents; the subpoena required Respondents to produce for inspection and copying certain documents covering a period from January 1, 2002, through the date of the subpoena. Investigators Draeger and Bloedow inspected and copied the documents within the scope of the subpoena.

8. A review of the documents obtained under the subpoena served on October 16, 2002, showed that numerous APA employees had worked as security guards without licenses during the period covered by the subpoena.

9. Respondents have had policies in place since February 2003 to ensure that proper permits are obtained for their employees.

10. On March 12, 2003, the Department issued private security person permits to Joshua Baszynski and Jason Walters; a check from Respondent APA paid the application fee. On March 21, 2003, the Department received notice that the check had been returned for insufficient funds in Respondent APA's account.

11. On March 13, 2003, the Department issued private security person permits to Robert Jenkins and Karen Lindner; a check from Respondent APA paid the application fee. On March 26, 2003, the Department received notice that the check had been returned for insufficient funds in Respondent APA's account.

12. Respondents neither admit nor deny the facts stated above. Respondents also wish to conclude this matter as expeditiously as possible and therefore agree to this stipulation.

CONCLUSIONS OF LAW

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

2. The Department of Regulation and Licensing has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stat. § 227.44 (5).

3. By employing individuals without permits as private security persons, Respondents have violated Wis. Stat. § 440.26 (1) (a) and Wis. Administrative Code § RL 35.01 (13).

4. By issuing checks payable to the Department that were returned for insufficient funds, Respondents have violated Wis. Administrative Code § RL 35.01 (15).

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that private security guard license #22981 issued to Byron E. Bishop be **SUSPENDED** for the period from January 3, 2006, through January 17, 2006.

IT IS FURTHER ORDERED that private detective agency license #15830 issued to APA of Madison, Inc., be **SUSPENDED** for the period from January 3, 2006, through January 17, 2006.

IT IS ALSO ORDERED that the private security guard license issued to Byron E. Bishop and the private detective agency license issued to APA of Madison, Inc., be **LIMITED** for a period beginning January 18, 2006, through January 17, 2010. During the period of limitation, Respondents shall submit to the Department on January 15, April 15, July 15, and October 15 a list of all persons who provided security services to each client in the preceding quarter. The list shall identify the specific clients for whom each employee provided services. Reports must be *POSTMARKED* no later than the date that the report is due.

It is **ALSO ORDERED** that Respondents shall pay partial costs of ten thousand dollars (\$10,000) in installments of \$625. Each payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing, and shall be submitted with the quarterly report required by this order.

It is further ordered that Division of Enforcement cases 00 RSG 013, 02 RSG 031, and 03 RSG 032 be closed.

Reports and payment required by this order shall be mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
FAX (608) 266-2264

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. In the event Respondents fail to submit timely any report or payment of the costs as ordered, or files incomplete reports or payments of less than \$625, Respondents' licenses SHALL BE SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order is effective on the date of its signing.

By: Celia M. Jackson
Secretary

12/9/05
Date