

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF	:	
THE LATE RENEWAL FOR	:	
A PERMIT TO PRACTICE AS	:	FINAL DECISION AND ORDER
A PRIVATE SECURITY PERSON OF	:	
DAVID A. KLEIN,	:	LS 0508241 RSG
APPLICANT.	:	

Division of Enforcement Case # 05 RSG 020

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

David A. Klein
14549 5th Lane
Athens, WI 54411

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation & Licensing
1400 East Washington Avenue
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 decision of this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing or her designee. The Secretary or her designee has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Department of Regulation and Licensing in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. The Applicant in this case is David A. Klein. Mr. Klein’s latest address on file with the Department of Regulation and Licensing is 14549 5th Lane, Athens, WI 54411.
2. Mr. Klein was issued private security permit # 108-15755 on 10/11/2000.
3. Mr. Klein was convicted in Marathon County on 6/21/2002 of misdemeanor Endangering Safety by Use of a Dangerous Weapon.
4. Mr. Klein did not renew his private security permit and it expired on 8/31/2002.
5. Mr. Klein applied to renew his private security permit on 7/29/2005.

6. On 8/8/2005, the Department of Regulation and Licensing denied David A. Klein's renewal application for a private security permit based on his conviction for a crime the circumstances of which substantially relate to the practice of private security, and Mr. Klein requested a hearing on the denial.

7. The attorney assigned to handle the denial hearing, John Nicholas Schweitzer, requested information from Mr. Klein to support his renewal request. Mr. Klein responded by providing three letters of support, one from Kevin Crocker regarding Mr. Klein's employment by ATM Solutions of Brookfield, Wisconsin; one from Major C. W. Hammond regarding Mr. Klein's service in the U.S. Marine Corps; and one from Randy Christopherson, Chief of Police at U.W. Green Bay regarding his personal knowledge of Mr. Klein.

8. Mr. Klein agreed in principle that, if the Department would issue him a Private Security Permit, he would stipulate that he not carry a firearm in his employment for a period of time. The Department processed his renewal application and re-issued Private Security Permit # 108-15755 to Mr. Klein on 9/20/2005.

9. Upon receiving his Private Security Permit, Mr. Klein was hired by, and is currently employed by, Security Services of America in New Berlin, Wisconsin.

10. Mr. Klein's current employment does not require him to carry a firearm.

CONCLUSIONS OF LAW

A. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. section 440.26 (5m) and Wis. Admin. Code section RL 31.02 (3), and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. section 227.44(5).

B. Under Wis. Admin. Code section RL 32.03, a person may apply for renewal on an expired private security permit within 5 years of the renewal date by filing a renewal application and paying a late fee.

C. The circumstances of Mr. Klein's conviction for Endangering Safety by Use of a Dangerous Weapon substantially relate to the practice of private security.

D. Under Wis. Admin. Code section RL 31.02 (3) (a) and Wis. Stat. section 111.335(1)(c)(1), the Department may deny an application for a Private Security Permit based on an applicant's conviction for a crime substantially related to the practice of private security.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

I. David A. Klein may not carry a firearm while practicing as a Private Security Person, without a Firearms Permit issued under Wis. Admin. Code, chapter RL 34.

II. The Private Security Permit issued to David A. Klein is hereby limited for a period of two years from the date of this Order, in that he may not apply for or be granted a Firearms Permit under Wis. Admin. Code, chapter RL 34. If exceptional circumstances require Mr. Klein to apply for a Firearms Permit before the end of that period, he may do so by filing his application and a petition to the Department and explaining the circumstances of his request. The Department in its discretion may at that time approve or deny his application and his petition. At the end of the two-year period, the limitation on Mr. Klein's Private Security Permit shall be removed automatically.

III. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in the summary suspension of Mr. Klein's Private Security Permit, the imposition of conditions and limitations on Mr. Klein's Private Security Permit, or other discipline.

FOR THE DEPARTMENT OF REGULATION AND LICENSING

By:

Celia M. Jackson, Secretary

11/29/05

Date