

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 : FINDINGS & ORDER
: LS0510312RAL
KEITH S. BURCH :
RESPONDENT. :

Division of Enforcement File: 04 RAL 001

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

Keith S. Burch
400 West Sate Street
Westby, WI 54667

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

1. Keith S. Burch (“Respondent”), whose date of birth is June 20, 1956, possesses a permit to practice as a Private Detective in the state of Wisconsin (license #63-10794), which was first granted on August 7, 2003, and which expires on August 31, 2006.
2. Respondent’s last address reported to the Department of Regulation and Licensing (“Department”) is 400 West State Street, Westby, WI 54667.
3. During 2003 Respondent rented space from D.M. In December of 2003 Respondent filed a letter with the Monroe County Clerk of Courts in response to an eviction action brought against Respondent by D.M. In the document Respondent asserted that “Also (D.M.) had me do a investigation on his wife. At \$18.75 per hour for four hours totally \$65.00.”
4. D.M. denies the claim that Respondent performed the work described in paragraph 3, and asserts that even if it were true it represents a breach of confidentiality by Respondent. Professional organizations of private detectives do generally recognize a duty of confidentiality.
5. Respondent claims that on up to three occasions D.M. asked Respondent to investigate facts related to a garnishment of Mrs. D.M.’s wages. Respondent claims that he searched publicly available records for information regarding the issue. Respondent asserts that he did not create a written contract regarding the services, because Respondent believed that a

written contract was not required for a “simple case search available to the public.”

6. Per Wis. Admin. Code § RL 35.01, it is unprofessional conduct for a credential holder to engage in “conduct reflecting adversely on professional qualification. Conduct reflecting adversely on professional qualification includes, but is not limited to, any of the following: ... (12m) Violating the requirements for written contracts in s. RL 33.06.”
7. Per Wis. Admin. Code § RL 33.06(1), “a private detective agency shall enter into a written agreement with a client before providing services to the client...”
8. Per Wis. Stat. § 440.26(6)(a), “the department may reprimand the holder of a license or permit issued under this section or revoke, suspend or limit the license or permit of any person who has done any of the following: ... 2. Engaged in conduct reflecting adversely on his or her professional qualification.”

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6).
2. The Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. By his conduct as set forth above in paragraph five (5) of the Findings of Fact, Respondent provided services to a client without entering into a written agreement, contrary to Wis. Admin. Code § 33.06(1).
4. By his conduct as set forth above in paragraphs three to four (3-4) of the Findings of Fact, Respondent engaged in conduct reflecting adversely upon his professional qualification, contrary to Wis. Stat. § 440.26(6)(a) and Wis. Admin. Code § RL 35.01, by disclosing confidential information regarding the nature of work performed on behalf of a client, with the disclosure being made in a manner which could cause harm to the personal life of the client.

ORDER

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

IT IS FURTHER ORDERED, that the Private Detective License of Respondent **Keith S. Burch** is hereby **Reprimanded**.

IT IS FURTHER ORDERED, that Respondent shall pay the costs of the Department of Regulation and Licensing in this matter, in the amount of \$300.00 within ninety (90) days of the date of signing of this Order.

IT IS FURTHER ORDERED, that all payments required by this Order shall be delivered to:

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) 261-7904

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 31st day of October, 2005.

STATE OF WISCONSIN, DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson
Secretary or Designee