

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF APPLICATION FOR :
PRIVATE SECURITY PERMIT FOR : FINAL DECISION
: AND ORDER
DARRELL L CARR :
APPLICANT :

Based upon the Stipulation and information of record herein, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Darrell L. Carr (Applicant) has filed an application for a credential to practice as a private security person in Wisconsin.
2. Information received in the application process reflects that:
 - a. On or about October 3, 1991 Applicant was convicted of violation of Wis. Stat. § 940.19(1) [battery];
 - b. On or about October 19, 1993 Applicant was convicted of violation of Wis. Stat. § 49.12(1) [public assistance - Use Fraud/Benefits];
 - c. On or about November 2, 2000 applicant was convicted of violation of Wis. Stat. § 940.19(1) [battery]; and
 - d. On or about April 28, 2003 applicant was convicted of violation of Wis. Stat. §346.63(1)(a) [operating while intoxicated].

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.26.
2. The facts and circumstances of the arrest referenced above substantially relate to the practice of a private security person. Applicant by his conduct is subject to action against his license pursuant to Wis. Stat. § 440.26.

ORDER

NOW, THEREFORE, IT IS ORDERED that Darrell L. Carr is GRANTED a PRIVATE SECURITY PERMIT subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Sobriety

1. Applicant shall abstain from all personal use of alcohol and controlled substances as defined in Wis. Stat § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, Treatment Provider and the Department or Department Monitor.

Drug and Alcohol Screens

2. Applicant shall comply with any request by an employer for a screen for alcohol or controlled substances. In addition, the Department reserves the right to request one or more screens for alcohol or controlled substances, should the Department Monitor in its discretion believe a screen is warranted on the basis of a report received. Upon notification the need for a screen, applicant shall comply with obtaining a screen within five [5] hours of notification. All screens shall be performed according to standard department procedures, and all confirmed positive test results shall be

presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody. Applicant shall be responsible for all costs associated with obtaining screens.

Releases

3. Applicant shall provide and keep on file with all facilities and personnel, laboratories and collections sites and his Treatment Provider (if applicable), current releases complying with state and federal laws. The releases shall allow the Department, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to:
(a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
(b) discuss the progress of Applicant's treatment and rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.

Reporting Requirements

4. Applicant shall provide a copy of this Final Decision and Order to supervisory personnel at all settings where Applicant works as a private security person and (if applicable) to his treatment provider.
5. It is Applicant's responsibility to arrange for written reports from supervisors to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall describe the Applicant's activities and verify that he is in compliance with the laws governing the practice of a private security person and the terms of this Order.
6. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
7. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant

DEPARTMENT MONITOR

8. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or 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) (608) 261-7904
department.monitor@drl.state.wi.us

Petitions for Modification

9. Applicant may petition the Department for modification of the terms of this Order after one year from the effective date of this order. Any such petition shall be accompanied by a written recommendation from Applicant's employer, probation officer and (if applicable) his treatment provider expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of §227.01(3)(a), Stat., and Applicant shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

10. Applicant shall be responsible for all costs and expenses incurred in conjunction with or associated with compliance with the terms of this Order.

Summary Suspension

11. A violation of any other term of this Order may be the basis for a summary suspension under Wis. Admin. Code RL Ch. 6 or separate disciplinary action under Wis. Stat. §440.26(6).

Dated at Madison, Wisconsin this 19th day of January, 2006.

Steven M. Gloe

On behalf of the Department of
Regulation and Licensing