

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

MILWAUKEE SECURITY & :
PATROL, LLC, D/B/A SECURITY :
EXPERTS and RICHARD LUCAS :
:
RESPONDENTS. :

LS0601313RSG

Division of Enforcement File: 05 RSG 005

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

Richard Lucas
1824 North Water Street Apt. 403
Milwaukee, WI 53202

Milwaukee Security & Patrol, LLC
316 North Milwaukee Street
Milwaukee, WI 53202

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 Secretary of the Department of Regulation and Licensing or her designee. The Secretary or designee has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary or designee in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent **Milwaukee Security & Patrol, LLC, d/b/a Security Experts**, (“Milwaukee Security”) is a Wisconsin licensed Private Detective Agency, having license # 62-16227. The license was first granted on 8/16/2002 and is current through 8/31/2006. Milwaukee Security’s last reported address on file with the Department of Regulation and Licensing is 316 N. Milwaukee Street, Suite 444, Milwaukee, WI 53202.

2. Department records show that Milwaukee Security is a single member LLC, with Bill Siebrecht listed as the owner and sole LLC member of Milwaukee Security.

3. Respondent **Richard Lucas** (“Lucas”), whose date of birth is 05/05/1955, is licensed as a private security person in the State of Wisconsin, having license # 108-15302. The license was first granted on 8/22/2000 and is current through 8/31/2006. Lucas’ last reported address on file with the Department of Regulation and Licensing is 1824 N. Water Street # 403, Milwaukee, WI 53202.

4. Department records show that Lucas owned private detective agency Lucas Security from 1991 to 1999. Department records show that Lucas became an employee of Milwaukee Security on 9/04/2002.

Count I: Unlicensed Security Person Sam Gwin Jr.

5. Sam Gwin Jr. was hired by Richard Lucas in 1996 to work for Lucas Security, a predecessor company to Milwaukee Security, as an unarmed security guard. Starting at some time in 1999, Sam Gwin Jr. then worked for Security Experts, another predecessor company to Milwaukee Security. When Bill Siebrecht opened Milwaukee Security in 2002, Sam Gwin Jr. became an employee of Milwaukee Security.

6. In the spring of 2002, Sam Gwin Jr. was assigned to work as an unarmed security guard at the Walgreens located at 3522 W. Wisconsin Avenue, Milwaukee, Wisconsin, while working for Security Experts. When Bill Siebrecht opened Milwaukee Security in the fall of 2002 and Sam Gwin Jr. became an employee of Milwaukee Security, Sam Gwin Jr. continued his assignment to work as an unarmed security guard at that Walgreens location.

7. Sam Gwin Jr.’s duties at Walgreens included shoplifting prevention and assisting the store manager with any other problems that occurred. While working as a security guard at Walgreens, Sam Gwin Jr. wore a navy blue uniform with “Security Experts” embroidered on the front, and an embroidered patch on the left arm that said “Security Experts Milwaukee Security and Patrol.” The only equipment that Milwaukee Security authorized Sam Gwin Jr. to have on his person while working as a security guard at Walgreens was a radio and a cell phone. Milwaukee Security did not authorize Sam Gwin Jr. to carry a firearm while working as a security guard.

8. From 1996 to 2005, at all times when Sam Gwin Jr. was working for Milwaukee Security or any predecessor company, Richard Lucas supervised Sam Gwin Jr.

9. Sam Gwin Jr. fatally shot a man during the evening of April 17, 2005, while Sam Gwin Jr. was working for Milwaukee Security as a security guard at the Walgreens located at 3522 W. Wisconsin Avenue, Milwaukee, Wisconsin.

10. Sam Gwin Jr.’s employment with Milwaukee Security was terminated on April 18, 2005.

11. On April 20, 2005, a criminal complaint was filed in Milwaukee County Circuit Court charging Sam Gwin Jr. with one count of first degree intentional homicide and one count of felon in possession of a firearm. The criminal complaint alleged that while Sam Gwin Jr. was working as a security guard at the Walgreens on the evening of April 17, 2005, a man apparently tried to steal a pair of sunglasses and Sam Gwin Jr. shot him four times, killing him. According to the criminal complaint, Sam Gwin Jr. told police that he bought the 9mm gun used in the shooting off the streets and carried it for protection. According to the criminal complaint, Sam Gwin Jr. told police that neither Milwaukee Security nor Walgreens knew that he was armed with a firearm.

12. The personnel file for Sam Gwin Jr. that Milwaukee Security provided to the Department pursuant to its investigation in this case contained an original Department of Regulation and Licensing “Application for Private Security Permit” signed by Sam Gwin Jr. and dated 08/15/1997. On that application, Sam Gwin Jr. indicated that he had been convicted of two crimes in Milwaukee, Wisconsin: recklessly endangering safety in 1977 and felon in possession of a firearm in 1987. That application was never submitted to the Department for processing.

13. At no time during his employment by Milwaukee Security, or any predecessor company including Lucas Security, did Sam Gwin Jr. hold a private security permit. Sam Gwin Jr.’s felony convictions for recklessly endangering safety and felon in possession of a firearm prohibited him from ever obtaining a private security permit in Wisconsin, pursuant to Wis. Stat. § 440.26(5m)(a)2.

Count II: Unlicensed Security Person Darynel Wallace

14. Darynel Wallace became an employee of Milwaukee Security when it became a licensed Private Detective Agency in August of 2002. Darynel Wallace worked for the predecessor company, Security Experts, from May 12, 1999 to August of 2002.

15. As an employee of Milwaukee Security, Darynel Wallace was assigned to work as an unarmed security guard at the Walgreens located at 3522 W. Wisconsin Avenue, Milwaukee, Wisconsin.

16. Milwaukee Security terminated Darynel Wallace due to the discovery that Darynel Wallace did not have a private security permit.

17. At no time during his employment with Milwaukee Security did Darynel Wallace hold a private security permit. Darynel Wallace has never held a Wisconsin private security permit.

Count III: Violating Terms of Temporary Permit and Unlicensed Practice by Angel Ortiz

18. Angel Ortiz was issued a temporary private security permit on March 11, 2005.

19. Angel Ortiz's temporary private security permit expired on April 10, 2005.

20. Angel Ortiz was issued a regular private security permit on May 25, 2005.

21. Angel Ortiz began working as an armed security guard with Milwaukee Security on January 19, 2005, prior to having a temporary private security permit or any private security permit.

22. Angel Ortiz continued to work as an armed security guard with Milwaukee Security between April 11, 2005 and May 24, 2005, during which time his temporary private security permit was expired and his regular private security permit had not yet been granted.

23. Angel Ortiz carried a dangerous weapon and worked as an armed security guard while under the temporary private security permit.

Count IV: Lack of Written Contract with Walgreens

24. Milwaukee Security did not have any written contract with the Walgreens at 3522 W. Wisconsin Avenue, Milwaukee, Wisconsin for which it provided security guard services on exact dates unknown, but at least from August 16, 2002 to April 17, 2005.

Count V: Failure to Notify the Department of Regulation and Licensing of Changes in Employee Roster

25. During the Department's investigation, a printout of the employee roster the Department has on file for Milwaukee Security was shown to Bill Siebrecht. The roster contained 35 names. Of those 35 employees listed on the Department's roster, Mr. Siebrecht informed the case investigator that 15 of them no longer worked for Milwaukee Security. Mr. Siebrecht admitted that he did not know he was supposed to notify the Department when an employee left the company and admitted that he had not made those notifications.

Count VI: Failure to Provide Copy of Use of Force Statutes to Employees

26. During the Department's investigation, Bill Siebrecht admitted to the case investigator that he did not have a current copy of Wis. Stats. §§ 939.48 and 939.49, relating to the use of force, in the office or otherwise accessible to Milwaukee Security employees.

MITIGATING CIRCUMSTANCES

27. As a mitigating factor, the Department acknowledges Milwaukee Security's full cooperation and timely response during the investigation and resolution of this case. The Department also acknowledges that Richard Lucas has voluntarily refrained from working as a private security guard since January 1, 2006.

CONCLUSIONS OF LAW

1. The State of Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6) and Wis. Admin. Code § RL 35.01 (intro), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By assigning Sam Gwin Jr. to work as a security guard when he did not have a private security permit, as described above in findings of fact paragraphs 5-13 relating to Count I, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro) and RL 35.01(13).

3. By assigning Darynel Wallace to work as a security guard when he did not have a private security permit, as described above in findings of fact paragraphs 14-17 relating to Count II, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro) and RL 35.01(13).

4. By assigning Angel Ortiz to work as a security guard prior to his being issued a temporary private security permit, as described above in findings of fact paragraphs 18 and 21 relating to Count III, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro) and RL 35.01(13).

5. By assigning Angel Ortiz to work as a security guard after the expiration of his temporary private security permit and before the issuance of his regular private security permit, as described above in findings of fact paragraphs 19, 20 and 22 relating to Count III, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro), RL 35.01(19) and RL 35.02

6. By assigning Angel Ortiz to carry a dangerous weapon and work armed security while working under a temporary private security permit, as described above in findings of fact paragraphs 18, 19 and 21 relating to Count III, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro), RL 35.01(9), RL 34.01(1)(h) and Wis. Stat. § 440.26(5r)(b)(2).

7. By failing to enter into a written contract with Walgreens before providing security services to Walgreens, as described above in findings of fact paragraph 24 relating to Count IV, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro), RL 35.01(9), RL 35.01(12m), and RL 33.06(1).

8. By failing to timely notify the Department of any changes in employees, including termination of employment, as described above in findings of fact paragraph 25 relating to Count V, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro), RL 35.01(9), and RL 32.06(2).

9. By failing to have a copy of Wis. Stats. §§ 939.48 and 939.49, relating to the use of force, in the office and accessible to its employees, as described above in findings of fact paragraph 26 relating to Count VI, Milwaukee Security has engaged in conduct reflecting adversely on professional qualification in violation of Wis. Admin. Code §§ RL 35.01(intro), RL 35.01(9), and RL 34.05(2).

10. By hiring Sam Gwin Jr. in 1996 to work for a predecessor company to Milwaukee Security, as described above in findings of fact paragraph 5, and by supervising him while Sam Gwin Jr. worked as a security guard for Milwaukee Security, as described in findings of fact paragraph 8, respondent Richard Lucas aided and abetted Sam Gwin Jr. in the violation of Wis. Stat. § 440.26(1)(a)2, contrary to Wis. Admin. Code § RL 35.01(2).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of private detective agency license #62-16227, issued to **Milwaukee Security & Patrol, LLC, d/b/a Security Experts**, is ACCEPTED.

2. The private security guard license of **Richard Lucas** shall be SUSPENDED for a period of One Hundred and Fifty (150) days, beginning January 31, 2006 (1/31/06 through and including 6/30/06).

3. The private security guard license of **Richard Lucas** shall further be LIMITED for a period of not less than eighteen (18) months, beginning July 1, 2006, as follows:

a. Lucas is prohibited from acting as a supervisor of any licensed private detective or licensed private security guard. For purposes of this limitation, "acting as a supervisor" includes, but is not limited to, involvement by Lucas in any of the following: the decision to hire, fire, or discipline any licensed private detective or licensed private security guard; training of any such person; seeking or verifying the licensure of any such person; ensuring that any such person is present at any work assignment and/or performing any function of the assignment correctly; and any other on or off jobsite activity that requires Lucas to review paperwork or activities related directly or indirectly to the activities of other licensed private security guards or licensed private detectives.

b. Lucas shall supply a copy of this Order to any person who employs him as a licensed private security guard.

c. Lucas shall notify the Department of Regulation and Licensing of the name, address and telephone number of any person or entity that employs him as a licensed private security guard within seven (7) days of accepting employment.

d. Any employer of Lucas as a licensed private security guard shall submit quarterly reports to the Department on the first day of November, February, May, and August. The reports shall assess Lucas' work performance during the previous quarter, and shall include a general list of Lucas' duties during the period, including a list of every location where Lucas worked. The quarterly reports shall be signed by an individual who has a current private security guard or private detective license with the Department.

e. Lucas may petition the Secretary of the Department for removal of the limitation no earlier than 18 months after initiation of the limitation. Any such petition must include substantial evidence of Lucas' rehabilitation, and shall include, at a minimum:

(1) Evidence of completion of no less than 40 hours of coursework during the period of suspension and/or limitation directly related to the profession of private security and/or private detective. No less than 8 of the 40 hours of coursework shall be in the area of supervision or management of a private security or private detective agency. All coursework must be preapproved by the Secretary or her designee; and

(2) Letters of recommendation from all employers who employed Lucas during the period of limitation as a security guard, regardless of whether the employment required a private security guard license.

f. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Lucas shall not have a right to any further hearings or proceedings on the denial.

4. IT IS FURTHER ORDERED that **Milwaukee Security & Patrol, LLC, d/b/a Security Experts**, shall, within ninety (90) days from the date of this Order, pay **PARTIAL COSTS** of this proceeding in the amount of **ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00)**. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264

5. Milwaukee Security & Patrol owner Bill Siebrecht shall not seek to obtain any other private detective agency license, private detective license, or private security guard permit in the state of Wisconsin at any time in the future. Bill Siebrecht further agrees that he shall not hold any position as an officer or owner of any private detective agency in the state of Wisconsin.

6. Violation of any of the terms of this Order by Richard Lucas may be construed as conduct imperiling public health, safety and welfare and shall result in the immediate suspension of Richard Lucas' Wisconsin private security person permit (#108-15302). Violation of the terms of this Order by Bill Siebrecht may be construed as conduct imperiling public health, safety and welfare and may result in disciplinary action against the license of any private detective agency that he is associated with.

7. This Order is effective January 31, 2006.

By: Celia M. Jackson
Secretary

1/31/06
Date