

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
: AS TO RESPONDENT  
MJ PROTECTION & INVESTIGATION LLP, : THOMAS M. BRUSKY  
MICHAEL L. WALDEN, :  
ANGEL L. MONTERO, :  
THOMAS M. BRUSKY AND : LS0608034RSG  
HERMAN P. WEBER, :  
RESPONDENTS.

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Division of Enforcement Case No. 05 RSG 024

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

Thomas M. Brusky  
180 N. Freeman Drive, Apt. #5  
Port Washington, WI 53074

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

PROCEDURAL HISTORY

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 Department of Regulation and Licensing (Department). The Department has reviewed this Stipulation and considers it acceptable. Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent **MJ Protection & Investigation LLP** (“MJ Protection”) is a Wisconsin licensed Private Detective Agency, having license # 62-16347. The license was first granted on 12/22/2003 and is current through 8/31/2006. MJ Protection’s last reported address on file with the Department of Regulation and Licensing is 922 Partridge Lane, Fredonia, WI 53021.

2. Department records show that MJ Protection is a Limited Liability Partnership with Respondent Michael L. Walden listed as the President and Jacquelyn L. Walden listed as the business manager.

3. Respondent **Thomas M. Brusky** (“Brusky”), whose date of birth is 8/22/1978, holds State of Wisconsin private security permit # 108-25954. This permit was first granted on 4/28/2004 and is current through 8/31/2006. Brusky’s last reported address on file with the Department of Regulation and Licensing is 180 N. Freeman Drive, Apt. #5, Port

4. According to Department records, Brusky was an employee of MJ Protection from 06/28/2005 to 11/02/2005.
5. On 06/29/2005, Respondents Walden, Weber, Montero and Brusky went to the home of Carey Evers ("Evers") wearing their MJ Protection security guard uniforms and duty belts containing pepper spray, handcuffs, batons and firearms. They asked Evers to step outside, which he did, and advised Evers that they were there to take him into custody on a Department of Revenue tax warrant.
6. Evers protested and told Walden, Weber, Montero and Brusky that they had no authority to arrest him.
7. When Evers attempted to re-enter his home, he was restrained and handcuffed. Walden, Weber, Montero and Brusky placed the handcuffed Evers in an unmarked MJ Protection van. At the time Evers was handcuffed and placed in the van, he was wearing a t-shirt, sweatpants and socks, but no shoes. Evers was not allowed to get any shoes before being placed in the van.
8. Weber, Montero and Brusky transported Evers to the 6<sup>th</sup> District Station of the Milwaukee Police Department with the intent of turning Evers over to the police. Walden had another assignment that evening and did not accompany the others to the police station.
9. Weber and Brusky took Evers inside the police station and Walden arrived in another vehicle to pick up Montero to take him to a security assignment for the evening. The police station refused to accept Evers and told Weber and Brusky to take Evers to the Milwaukee County Jail.
10. Weber and Brusky took Evers to the Milwaukee County Jail where Evers was placed in a holding cell while Weber and Brusky spoke with jail staff.
11. Jail staff advised Weber and Brusky that they had no authority to place Evers in jail on a tax warrant and that Evers had to be released. Weber and Brusky then took Evers home.
12. According to Evers, he was in Respondents' custody for approximately five hours.
13. Prior to arresting Evers on the tax warrant, Weber and Brusky investigated the tax warrant against Evers by going to the Wisconsin Department of Revenue office in Milwaukee to verify that the tax warrant information they had obtained from the Consolidated Court Automation Programs (CCAP) website was valid. Weber and Brusky contend that they were told by a Department of Revenue employee that it was okay for them to pick up Evers on the outstanding tax warrant. The Department of Revenue maintains that while they did verify that there was an outstanding tax warrant for Evers, they did not tell Weber and Brusky that the warrant provided a basis to arrest Evers. The Department of Revenue employee explained to Weber and Brusky that tax warrants are not used to arrest people, but are instead used for such actions as garnishments and supplemental hearings in court.
14. Neither MJ Protection nor any of its employees had any kind of contract with the Wisconsin Department of Revenue to pick up citizens on tax warrants or provide any services for the Wisconsin Department of Revenue. When Respondents Walden, Montero, Brusky and Weber picked up Evers, they were not working for any contracted client.

#### 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 restraining Cary Evers on a civil tax warrant without his consent and without any lawful authority to do so, Respondent **Thomas M. Brusky** falsely imprisoned Evers, in violation of Wis. Stat. § 940.30. Such conduct reflects

adversely on his professional qualification and subjects Weber to discipline pursuant to Wis. Stat. § 440.26(6)(a)2 and Wis. Admin. Code § RL 35.01(intro) and § RL 35.01(2).

3. Pursuant to Wis. Stat. §§ 440.26(1) and 440.26(1m), and Wis. Admin. Code § RL 30.02(13)(a), a private security permit authorizes the permit holder to stand watch for security purposes. By restraining Cary Evers on a civil tax warrant, Respondent **Thomas M. Brusky** exceeded the scope of his private security permit and is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)2. and 4.

4. By investigating the tax warrant status of Cary Evers, Respondent **Thomas M. Brusky** was acting as a private detective without being licensed as a private detective. This is in violation of Wis. Stat. § 440.26(1), Wis. Admin. Code §§ RL 30.02(12)(a)2.b. and RL 31.01(2).

ORDER

1. NOW THEREFORE, IT IS HEREBY ORDERED that the private security permit issued to Respondent **Thomas M. Brusky**, permit # 108-25954, shall be **SUSPENDED** for **SIX (6) MONTHS**, commencing ten (10) days from the date this order is signed.

2. IT IS FURTHER ORDERED that Respondent **Thomas M. Brusky**, shall pay **COSTS** of this proceeding in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**, payable in two installments. Respondent shall pay \$250.00 within 60 days of the date this order is signed and shall pay the remaining \$250.00 within 120 days of the date this order is signed. 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

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in further disciplinary action against Thomas M. Brusky's private security permit (# 108-25954). In the event Respondent Thomas M. Brusky fails to timely submit payment of the costs as set forth above, his permit (# 108-25954) **SHALL BE SUSPENDED**, without further notice or hearing, until he has complied with the terms of this Order.

4. This Order is effective on the date of its signing.

By: Celia M. Jackson  
Secretary

8/3/06  
Date