

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 :
 : FINAL DECISION AND ORDER
FERNANDO SILVA SR, :
RESPONDENT. : LS0609083RSG

Division of Enforcement Case No. 06 RSG 011

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

Fernando Silva Sr.
3318 W Lapham
Milwaukee, WI 53215

Department of Regulation and Licensing
Division of Enforcement
PO 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 Department Secretary. 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. Fernando Silva Sr., DOB 05/21/1964, is duly registered as a Private Security Person in the state of Wisconsin (permit # 108-26532). This permit was first issued on 07/13/2004.
2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 3318 W Lapham, Milwaukee, WI 53215.
3. On August 6, 2004, Mr. Silva was convicted in the State of Wisconsin Circuit Court in Outagamie County of three counts of violating Wis. Stat. § 948.22(2), Felony Failure to Support Child (120 Days +), a Class I Felony.
4. A license or permit holder who is convicted of a felony or misdemeanor, shall notify the Department in writing of the date, place and nature of the conviction within 48 hours after the judgment of conviction under Wis. Stat. § 440.26(4m)(b). Mr. Silva did not report his felony convictions to the Department until he applied for a firearms permit on or about February 15, 2006.
5. In resolution of this matter, Fernando Silva consents to the entry of the following Conclusions of Law and Order.

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 is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent Fernando Silva has violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL 35.01(2) by failing to notify the Department in writing of his convictions within 48 hours after the entry of the judgment of conviction.

3. Pursuant to Wis. Stat. § 440.26(6)(b), the Department shall revoke the license or permit of any private security person who has been convicted of a felony in this state or elsewhere and who has not been pardoned for that felony.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Private Security Permit issued to Fernando Silva Sr., permit number 108-26532, is hereby **REVOKED**. Mr. Silva shall cease and desist from acting as a private security person and from engaging in private security activities in Wisconsin.

IT IS FURTHER ORDERED that all rights and privileges heretofore granted to Respondent Fernando Silva Sr. pursuant to private security permit number 108-26532 are forever terminated effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED that Respondent Fernando Silva Sr. shall not be granted a credential under Wis. Stat. § 440.26 at any time in the future. The denial, in whole or in part, of any petition by Fernando Silva Sr. for a credential authorized under Wis. Stat. § 440.26 shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

This Order shall become effective upon the date of its signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By Celia M. Jackson, Secretary
Department of Regulation and Licensing

9/8/06