

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF
REGULATION AND LICENSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

KYLE W. VIDLOCK,
RESPONDENT.

FINAL DECISION AND ORDER
LS0610021RSG

Division of Enforcement Case File Number: 05 RSG 016

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Kyle W. Vidlock
3630 Breckenridge Court #8
Fitchburg, Wisconsin 53713

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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. 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. Kyle W. Vidlock (Date of Birth: June 25, 1983) is duly licensed as a private security person in the state of Wisconsin (permit #108-18048). This permit was first granted on June 29, 2001, and is current through August 31, 2008. From December 16, 2003, through December 12, 2004, Mr. Vidlock possessed a firearms permit associated with his private security person permit. The last address Mr. Vidlock reported to the Department of Regulation and Licensing (Department) is 3630 Breckenridge Court, # 8, Fitchburg, Wisconsin 53713.

2. On June 9, 2005, Mr. Vidlock was convicted of 4th Degree Sexual Assault, a Class A misdemeanor, in Dane County, Wisconsin Circuit Court, Branch 11. True and correct copies of the Criminal Complaint, Information, Amended Information and Judgment of Conviction are attached as Exhibit A. Exhibit A is incorporated by reference into this Order.

3. Mr. Vidlock reported his conviction to the Department in a letter dated June 27, 2005. Mr. Vidlock's letter arrived at the Department on July 1, 2005.

4. In resolution of this matter, Kyle W. Vidlock consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 227.44(5).

2. By waiting until June 27, 2005, to send a letter to the Department announcing his June 9th, 2005, misdemeanor conviction, Mr. Vidlock violated Wis. Stats. sec. 440.26(4m)(b) - A person who holds a license or permit under this section

and who is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, shall notify the department in writing of the date, place and nature of the conviction within 48 hours after the judgment of conviction or the judgement finding that the person committed the violation. Notice may be made by mail and may be proven by showing proof of the date of mailing the notice.

3. By being convicted of a misdemeanor, Mr. Vidlock's private security permit is be subject to discipline under Wis. Stat. sec. 440.26(6)(a)1. - Subject to the rules adopted under s. 440.03(1), 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:

1. Been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and 111.335.

4. The circumstances of Mr. Vidlock's misdemeanor conviction reflect adversely on his professional capabilities and qualifications as a private security person. Due to those adverse factors, Mr. Vidlock's private security permit is subject to discipline under Wis. Stat. sec. 440.26(6)(a)2. - Subject to the rules adopted under s. 440.03(1), 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.

5. Due to the violations of Wisconsin Statutes and Wisconsin Administrative Code in this matter, Mr. Vidlock's private security permit is subject to discipline under Wis. Stat. sec. 440.26(6)(a)4. - Subject to the rules adopted under s. 440.03(1), 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:

4. Violated this section or any rule promulgated or order issued under this section.

6. The circumstances of Mr. Vidlock's misdemeanor conviction reflect adversely on his professional capabilities and qualifications as a private security person because the criminal offenses are substantially related to the practice of a private security person. By waiting until June 27, 2005, to send a letter to the Department announcing his June 9th, 2005, misdemeanor conviction, Mr. Vidlock also reflected adversely on his professional capabilities and qualifications. Due to those adverse factors, Mr. Vidlock's private security permit is subject to discipline under Wis. Admin. Code § RL 35.01(2) - The Department of Regulation and Licensing may deny an application for renewal, limit, suspend or revoke a credential, or reprimand a credential holder upon proof that the credential holder or any owner of an agency has engaged in conduct reflecting adversely on professional qualification. Conduct reflecting adversely on professional qualifications includes, but is not limited, to any of the following:

- (2) Violating, or aiding or abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective or private security person. A credential holder who has been convicted of a felony, misdemeanor or ordinance violation, as defined in s. 440.26(4m), Stats., shall send to the department within 48 hours after the judgment of conviction or the judgment finding the person committed the violation, a copy of the complaint or other information which describes the nature of the crime or conviction and the judgment of conviction in order that the department may determine whether disciplinary action must or should be taken against credential holder.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Kyle W. Vidlock's private security person permit (#108-18048) is hereby **LIMITED**.

IT IS FURTHER ORDERED that beginning **ten (10) days** after effective date of this Order, Kyle W. Vidlock shall be required to be employed as an **unarmed** private security person for any private security employer. Kyle W. Vidlock is required to be employed as an unarmed private security person until such time that he is off probation status with the Wisconsin Department of Corrections and meets all the requirements of carrying a firearm contained in Wisconsin Administrative Code Chapter RL 34. Evidence of meeting any and all of above requirements shall be submitted to the Department Monitor who shall submit any evidence to the Bureau of Business Licensure in the Department of Regulation and Licensing. The Bureau of Business Licensure shall be ultimately responsible for authorizing Kyle W. Vidlock to carry a firearm

while employed as a private security person.

For a period of **THREE (3)** years from the effective date of this order, any employer of Kyle W. Vidlock as a private security person, shall prepare and submit written quarterly reports which describe the specifics of Kyle W. Vidlock's private security person activities, his compliance with the Wisconsin rules and statutes governing private security persons, the total number of hours worked as a private security person during that quarter and his overall performance as a private security person. The work reports shall be submitted on a schedule to be determined by the Department Monitor who coordinates compliance with the terms and conditions of this Order. Kyle W. Vidlock shall provide a copy of the Stipulation and Final Decision and Order in this matter to each private security person employer who shall provide written quarterly reports.

For a period of **THREE (3)** years from the effective date of this order, Kyle W. Vidlock shall personally prepare and submit a monthly report identifying and detailing any contact that he may have with any law enforcement agency in this state or elsewhere during that month that may involve potential court actions. The work reports shall be submitted on a schedule to be determined by the Department Monitor who coordinated compliance with the terms and conditions of this Order.

IT IS FURTHER ORDERED that Kyle W. Vidlock shall pay full costs in the amount of NINE HUNDRED dollars (\$900.00) in this matter.

All payments shall be submitted within 90 days from the date of this order. Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing. All work reports and payments shall be sent to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

IT IS FURTHER ORDERED that Kyle W. Vidlock shall report to the Department, with 48 hours of occurrence, any violation of any terms and conditions of his probation with the Wisconsin Department of Corrections. Kyle W. Vidlock shall provide a copy of the complete Stipulation and Final Decision and Order in this matter to his Wisconsin Department of Corrections probation officer.

Kyle W. Vidlock is responsible for compliance with all the terms and conditions of this Order, including the timely submission of reports by others.

Kyle W. Vidlock shall within **ten (10)** days after the effective date of this Order, surrender all indicia of Wisconsin registration to the Department Monitor. The Department shall reissue all indicia of registration to Kyle W. Vidlock marked "limited."

After Kyle W. Vidlock is released from probation status by the Wisconsin Department of Corrections, he may petition, in writing, the Department for the removal of the reporting of probation violations limitation on his private security permit. Kyle W. Vidlock shall submit any written petition to the Department Monitor. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. secs. 227.01(3) and 227.42.

Kyle W. Vidlock may petition, in writing, the Department for removal of the employer work report and the law enforcement contact requirements three years from the effective date of this Order. Kyle W. Vidlock shall submit any written petition to the Department Monitor. Denial in whole or in part of any petition under this paragraph shall not constitute denial of a registration or license and shall not give rise to a contested case within the meaning of Wis. Stat. secs. 227.01(3) and 227.42.

IT IS FURTHER ORDERED that in the event that Kyle W. Vidlock fails to comply with any of the terms and conditions of this Order, the private security person permit (number 108-18048) of Kyle W. Vidlock **SHALL BE SUSPENDED**, without

further notice or hearing, until Kyle W. Vidlock has complied with the terms of this Order.

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

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia Jackson, Secretary

10/2/06

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF
REGULATION AND LICENSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

KYLE W. VIDLOCK,
RESPONDENT.

STIPULATION
LS# _____

Division of Enforcement Case File Number: 05 RSG 016

It is hereby stipulated between Kyle W. Vidlock, Respondent, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (05 RSG 016). Mr. Vidlock consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Vidlock understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.

3. Mr. Vidlock is aware of his right to seek legal representation and have been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Mr. Vidlock agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Vidlock waives all rights to any appeal of the attached order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with their deliberations on the stipulation.

7. Kyle W. Vidlock is informed that should the Department adopt this stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department policy.

8. The Division of Enforcement joins Kyle W. Vidlock in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Kyle W. Vidlock

Respondent

3630 Breckenridge Court #8

Fitchburg, Wisconsin 53713

License Number: 108-18048

Date

John C. Temby

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date