

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	:	
RENEWAL OF PRIVATE SECURITY PERMIT FOR	:	FINAL DECISION
	:	AND ORDER
ALFREDO O LUNA	:	
APPLICANT	:	

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

Alfredo M Luna
910 W Madison St
Milwaukee WI 53204

Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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

FINDINGS OF FACT

1. Alfredo M. Luna (Applicant) has filed an application for renewal of his credential to practice as a private security person in Wisconsin.
2. Information received in the application process reflects that:
 - a. On or about May 31, 2006 Applicant was charged with violation of Wis. Stat. § 947.012(1)(C) [unlawful phone use-threaten w/conceal ID]; and
 - b. On or about September 26, 2006 Applicant was charged with violation of Wis. Stat. § 947.01 [disorderly conduct].

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 ALFREDO M. LUNA. 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 § 961.01(4), Stats., 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.

2. Applicant shall refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation.

Requirements for AODA Assessment / Treatment

3. Within thirty days from the date of this Order, Applicant shall submit the results of a current AODA and anger management assessment to the Department Monitor. The Assessment shall be conducted following the date of this Order and shall be performed by a treatment provider acceptable to the Department. Applicant shall provide the person(s) performing his assessment with a copy of this Final Decision and Order as well as with access to any prior assessments and/or prior treatment records.
4. If the results of the assessment recommend counseling or other treatment, Applicant shall immediately enter into and maintain participation through completion of treatment in the areas recommended by the assessment. Treatment programs shall be pre-approved by the Department:
5. Applicant shall participate in, cooperate with and follow all treatment recommendations of his treatment providers.
6. If continued treatment is required, Applicant shall provide his treatment providers with a copy of this Final Decision and Order.
7. If continued treatment is required, Applicant's AODA treatment provider shall be responsible for coordinating Applicant's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Applicant's AODA treatment provider becomes unable or unwilling to continue to serve as a treatment provider, Applicant shall immediately seek approval of a successor treatment provider by the Department or Department Monitor.
8. If continued treatment is required, the rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by treatment provider. The Department reserves the right to set minimum therapy/treatment requirements for Applicant. Therapy may end only upon a determination by the Department or Department Monitor pursuant to a petition by Applicant for modification.
9. If treatment is required, Applicant's treatment providers shall submit formal written reports to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's progress, compliance and cooperation in the applicable program. The treatment providers shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

10. Applicant shall provide and keep on file all treatment facilities and personnel, laboratories and collections sites (if applicable), his treatment provider(s) 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/or rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.

Treatment

11. The Department reserves the right, based upon reports received, to require Applicant upon notification by the Department Monitor to enter into and maintain participation in a program of treatment for anger management, drug and alcohol abuse/dependency through completion and discharge from treatment. Applicant shall cooperate with and follow all treatment recommendations of his treatment providers. Upon discharge, Respondent shall submit a copy of his discharge summary to the Department Monitor.
12. If applicable, Applicant shall provide his treatment provider(s) with a copy of this Final Decision and Order.
13. If treatment is required, Applicant's treatment provider shall submit formal written reports to Department Monitor on a

quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's progress, compliance and cooperation in the applicable program. The treatment providers shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Reporting Requirements

14. 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.
15. Applicant shall practice as a private security person at settings pre-approved by the Department or Department Monitor.
16. It is Applicant's responsibility to arrange for written reports from his security guard 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.
17. 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.
18. 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

19. 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, 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

Petitions for Modification

20. Applicant may petition the Department for modification of the terms of this Order after two years from the effective date of this order. Any such petition shall be accompanied by a written recommendation from Applicant's employer, 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 Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

21. 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 / Additional Discipline

22. The Department may revoke without further notice or hearing or other proceeding Applicant's permit for failure by Applicant to timely comply with the terms of this Order and/or any further criminal conviction. A violation of this Order may alternatively be the basis for a summary suspension under Wis. Admin. Code § RL 6 or for separate disciplinary action under Wis. Stat. § 440.26(6).

Dated at Madison, Wisconsin this 13th day of August, 2007

Debra J. Kraft
On behalf of the Department of
Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF APPLICATION FOR	:	
RENEWAL OF PRIVATE SECURITY PERMIT FOR	:	
	:	STIPULATION
ALFREDO M LUNA	:	
APPLICANT	:	

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Regulation and Licensing as follows:

The Applicant has filed an application for renewal of the private security permit. Information received by the Department reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order issuing a limited private security permit subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this ____ day of _____, 2007

ALFREDO M LUNA

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

Dated this ____ day of _____, 2007.

By: _____
DEBRA J KRAFT