

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :
FOR A RENEWAL OF A FIREARMS :
CERTIFICATION OF PROFICIENCY : FINAL DECISION
: AND ORDER
ANGEL L. ACEVEDO, : LS0610111RSG
APPLICANT. :

Division of Enforcement Case No. 06RSG052

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 26th day of September, 2007.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

IN THE MATTER OF THE APPLICATION :
FOR A RENEWAL FIREARMS :
CERTIFICATION OF PROFICIENCY : PROPOSED DECISION
: AND ORDER
ANGEL L. ACEVEDO, : Case No. LS061011RSG
APPLICANT. :
:
:

[DOE Case File #06RSG052]

TO: Secretary Celia M. Jackson
Wisconsin Department of Regulation and Licensing
1400 East Washington Avenue
Madison, WI 53708-8935

PROCEDURAL HISTORY

An initial prehearing conference call was held in this matter on November 3, 2006. Participating in that call and all subsequent prehearing conference calls were Claudia Berry Miran, attorney for the Division of Enforcement and J. Dennis Thornton, attorney for Mr. Acevedo. This matter was set for an evidentiary hearing, which was later adjourned because the parties reported having reached a tentative settlement agreement. Mr. Thornton made multiple attempts to contact his client in order to review and sign the agreement. However, despite Mr. Thornton's efforts, Mr. Acevedo failed to remain in contact with his attorney and therefore never signed the proposed agreement.

Based on the entire record in this case, the undersigned administrative law judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Angel L. Acevedo was born on October 13, 1977. Mr. Acevedo was granted a private security permit on August 23, 2004. That permit expired on September 1, 2006. Mr. Acevedo filed an application for renewal of the private security permit on or about August 28, 2006. Mr. Acevedo was granted a firearms certification of proficiency on March 14, 2005. The firearms certification of proficiency expired on February 28, 2006. On or about March 24, 2006, Mr. Acevedo filed an application for a renewal firearms certification of proficiency with the Department of Regulation and Licensing. On August 7, 2006, the Department of Regulation and Licensing denied the application for a renewal firearms certification of proficiency.
2. Mr. Acevedo's latest address on file with the Department of Regulation and Licensing is 2136 South 32nd Street in Milwaukee, Wisconsin.
3. Mr. Acevedo made a timely request for a hearing on the denial of his application for a renewal firearms certificate of proficiency.
4. On the application for a renewal firearms certification of proficiency, Mr. Acevedo was required to answer the following questions:
 - A. Have you or the owner named on page 1 ever been convicted of a misdemeanor or a felony? If YES, attach Form #2252 to provide details about the crime.

- B. Are any felony or misdemeanor charges pending against you or the owner named on page 1? If YES, attach Form #2252 to provide details about the pending charge.
5. Mr. Acevedo answered “YES” to question B and submitted the Convictions and Pending Charges form (Form #2252). The Convictions and Pending Charges form indicated that there were pending Reckless Driving, Operating a Motor Vehicle with Prohibited Blood Alcohol and Under the Influence charges regarding a February 22, 2006, arrest in Greenfield, Wisconsin.
6. Information received from the City of Greenfield Municipal Court office indicated that Mr. Acevedo was convicted of the following:
- May 17, 2006 – Operating a motor vehicle while under the influence of the intoxicant (City of Greenfield Municipal Court Citation number G140434 0 OWI)

CONCLUSIONS OF LAW

The Wisconsin Department of Regulation and Licensing has jurisdiction in this matter pursuant to §§ 111.335 (1) (b), 111.335 (1) (c) 1., and 440.26, Wis. Stats.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that this matter be **DISMISSED**.

OPINION

Following the denial of his application for the renewal of his private security permit, Angel L. Acevedo requested a hearing in the above-captioned matter. As a result of negotiations between the parties, a tentative agreement was reached. But because Mr. Acevedo failed to remain in contact with his attorney, the agreement was never finalized. As a result, the Division of Enforcement is seeking a dismissal of this matter. In light of Mr. Acevedo’s apparent loss of interest in pursuing this matter further, the request to dismiss is reasonable and appropriate, and is therefore recommended.

Dated at Madison, Wisconsin, this 3rd of July, 2007.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION & LICENSING
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708
Telephone: (608) 266-5836
FAX: (608) 251-3017

Jacquelynn B. Rothstein
Administrative Law Judge