

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

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FINAL DECISION AND ORDER

LS0706145RSG

GEORGE C. BREITRICK,

RESPONDENT.

Division of Enforcement Files: 06 RSG 050

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

George C. Breitrick
1538 South 78th Street
West Allis, Wisconsin 532

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

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. George C. Breitrick (Date of Birth: June 29, 1949) is duly licensed as a Private Security Person in the state of Wisconsin (Permit #108-2802) by the Wisconsin Department of Regulation and Licensing (hereinafter Department). The Permit was issued on July 1, 1997, and is current through August 31, 2008. Mr. Wright's last reported address to the department is 1538 South 78th Street, West Allis, Wisconsin 53214.

2. On or about July 8, 2006, Mr. Breitrick filed a renewal application for a Private Security Person Permit with the Department. Mr. Breitrick answered "NO" to the following question on the application:

HAVE YOU BEEN CONVICTED WITHIN THE PAST TWO YEARS OF A
FELONY, A MISDEMEANOR, OR A VIOLATION OF ANY STATE OR
LOCAL LAW (OTHER THAN TRAFFIC) THAT IS PUNISHABLE BY A
FORFEITURE, OR, ARE CHARGES PENDING? (If YES, provide information)

That Private Security Person Permit Renewal Application contains the following language immediately below the line which Mr. Breitrick was to date and sign:

"MAKING A FALSE STATEMENT IN CONNECTION WITH ANY APPLICATION FOR PERMIT IS
GROUNDS FOR REVOCATION OR
DENIAL."

3. On April 29, 2005, Mr. Breitrick was convicted of Cruelty to Animals in the City of West Allis, Wisconsin Municipal Court. A true and correct copy of the Municipal Court Citation is attached as Exhibit A. Exhibit A is

incorporated by reference into this Order.

4. Mr. Breitrick did not report the April 29, 2005, conviction to the Department within 48 hours after the judgment of conviction or the judgment finding the person committed a violation.

5. In resolution of this matter, George C. Breitrick 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 the conduct referred to in above Findings of Fact, George C. Breitrick has violated:

- a. Wis. Stat. 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 or finding within 48 hours after the entry of the judgment of conviction or the judgment finding 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.
- b. 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.
- c. 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.
- d. Wis. Stat. sec. 440.26(6)(a)3. 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:
 3. Made a false statement in connection with any application for a license or permit under this section.
- e. 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.
- f. Wis. Admin. Code RL 35.01(2). The department 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.

- g. Wis. Admin. Code RL 35.01(17). The department 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:
- (17) Providing false information in the application for a credential.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the private security permit issued to George C. Breitrick (permit number 108-2802) shall be **REPRIMANDED**.

George C. Breitrick shall **pay full costs of this proceeding in the amount of FOUR HUNDRED (\$400.00) dollars**. All costs shall be payable in the form of a money order or cashiers check to the Department of Regulation and Licensing and shall be sent to the Department Monitor. Payment shall be submitted in four (4) installments. The installments shall be submitted on the following payment schedule:

Payment Number	Due Date	Payment Amount
1	October 15, 2007	\$100.00
2	January 15, 2008	\$100.00
3	April 15, 2008	\$100.00
4	July 15, 2008	\$100.00

Mr. Breitrick may pay the full amount of the costs at any time prior to each due date for payment.

Any payment of costs associated with this Order shall be submitted to:

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

Violation of any of the terms of the Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of George C. Breitrick 's Private Security Person Permit (Permit #108-2802). The Department in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

THE DEPARTMENT OF REGULATION AND LICENSING

By Celia M. Jackson
Secretary

6/14/07

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS

AGAINST

:

:

:

STIPULATION

LS#07 _____ RSG

:

GEORGE C. BREITRICK,

:

RESPONDENT.

Division of Enforcement Files: 06 RSG 050

It is hereby stipulated between George C. Breitrick and Claudia Berry Miran, 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 of Mr. Breitrick's licensure by the Division of Enforcement (06 RSG 050). Mr. Breitrick consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Mr. Breitrick understands that by signing 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, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Mr. Breitrick has been provided the opportunity to obtain legal counsel prior to signing this Stipulation.

4. Mr. Breitrick 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. Breitrick waives all rights to any appeal of the Department's 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 then be returned to the Division of Enforcement for further proceedings. In the event that the 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 or other agent for the Division of Enforcement may appear before the Department in open or closed session, without the presence of Mr. Breitrick or Mr. Breitrick's attorney, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with the Department's deliberations on the Stipulation.

7. Mr. Breitrick 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 procedure.

8. The Division of Enforcement joins George C. Breitrick in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

George C. Breitrick
Respondent
1538 South 78th Street
West Allis, Wisconsin 53214
License Number 108-2802

Date

Claudia Berry Miran
Attorney
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

Date