

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 AS TO
PUBLIC SAFETY OF WISCONSIN, : PUBLIC SAFETY & INVESTIGATIONS,
INC., HEATHER M. LEE, JASON S. : INC., AND TERRANCE S. CHITWOOD
CHITWOOD, PUBLIC SAFETY & :
INVESTIGATIONS, INC., AND :
TERRANCE S. CHITWOOD, : LS0612041RSG
RESPONDENTS. :

Division of Enforcement Case Numbers: 04 RSG 021 and 05 RSG 026

The parties to this final decision and order for the purpose of Wis. Stats. sec. 227.53 are:

Terrance S. Chitwood
Respondent
2409 Prairie Road
Madison, WI 53711

Public Safety & Investigations, Inc.
Respondent
2409 Prairie Road
Madison, WI 53711

Department of Regulation and Licensing
Office of the Secretary
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Division of Enforcement, Department of Regulation and Licensing, has filed a formal complaint against Respondents. The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing or her designee. The Secretary or designee has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary or designee in this matter adopts the attached Stipulation and makes the following:

1. Terrance S. Chitwood (“Terry Chitwood”), whose date of birth is May 30, 1947, held a license as a private detective in the state of Wisconsin (#63-8185). Mr. Terry Chitwood was first issued the license as a private detective on July 19, 1989, and the license expired August 31, 2006. Mr. Terry Chitwood’s last address of record with the Department of Regulation and Licensing (“Department”) is 2409 Prairie Road, Madison, WI 53711.

2. Public Safety & Investigations, Inc. (“PSI”) held a license as a private detective agency in the state of Wisconsin (#62-16250). PSI was first issued the license on November 20, 2002, and the license expired on August 31, 2006. PSI’s last address of record with the Department is 2409 Prairie Road, Madison, WI 53711. PSI was owned in whole or in part by Mr. Terry Chitwood.

3. Mr. Terry Chitwood operated PSI from November of 2002 until on or about May 25, 2005, and using various titles, including, but not limited to, “President.”

4. On October 25, 2006, a criminal complaint was filed against Mr. Terry Chitwood, alleging that he had failed to pay wages, contrary to Wis. Stat. § 109.11 (3), a Class U Misdemeanor.

5. On May 1, 2007, Mr. Terry Chitwood entered a plea of “no contest” to five counts of failure to pay wages, and was adjudicated guilty of the same.

6. Mr. Chitwood’s license is currently expired.

7. Per Wis. Admin. Code § RL 35.01 (emphasis added),

“The department may... limit suspend or revoke a credential, or reprimand a credential holder, upon proof that the credential holder... *has engaged in conduct reflecting adversely on professional qualification*. Conduct reflecting adversely on professional qualification includes *but is not limited to*, any of the following:
...

(2) Violating or aiding and abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective or private security person. ...

(6) Issuing checks on business or trust accounts which contain insufficient funds.

8. Per Wis. Admin. Code § RL 35.02, “The department may take disciplinary action against a licensed private detective agency for violations of chs. RL 30 to 35 by any licensed private detectives or security persons employed by the agency.”

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 Wis. Admin. Code § RL 35.01 (intro), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Mr. Terry Chitwood, by employing persons to act as security guards, and then failing to pay wages to them, has engaged in conduct reflecting adversely upon his professional qualification.

3. PSI, by the actions of Mr. Terry Chitwood, Mr. Jason Chitwood is subject to discipline pursuant to Wis. Admin. Code § RL 35.02.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The private detective license of **Terrance S. Chitwood** (63-8185) is hereby **REVOKED**. Mr. Chitwood is barred from being an owner of, licensed employee of, or from otherwise being affiliated with any private detective agency. Affiliation of Mr. Chitwood with any private detective agency shall be deemed conduct imperiling the public health, safety and welfare, and shall be grounds for the summary suspension of the license of private detective agency. Mr. Chitwood shall provide a copy of this Order to any private detective agency prior to being affiliated with the same, or within 30 days of the date of signing of this Order, whichever comes second.

IT IS FURTHER ORDERED that:

2. The private detective agency license of **Public Safety & Investigations, Inc.**, (#62-16250) is hereby **REVOKED**.

3. Within 30 days of the date of signing of this Order Terrance S. Chitwood shall submit all indicia of licensure for himself or Public Safety & Investigations, Inc., still in his possession to the Wisconsin Department of Regulation and Licensing, via hand delivery or U.S. Mail at:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264

4. In the event that Mr. Terrance Chitwood or PSI ever seeks any license from the Department of Regulation and Licensing, costs in the amount of \$1,500.00 shall be immediately due and payable.

5. This Order is effective on the date of its signing.

6. Division of Legal Services Case Number LS#0612041RSG is hereby closed as to all respondents, and the following Division of Enforcement Case Numbers are hereby closed as to respondents Terrance Chitwood and PSI: 04RSG021, 05RSG026. Additionally, the following Division of Enforcement Case Numbers are hereby closed as to all respondents under prosecutorial discretion code P5: 04RSG020, 04RSG023, 04RSG027, 04RSG029, 04RSG033, 05RSG004, 05RSG021, 05RSG023, 05RSG025, 05RSG032, 05RSG033, 06RSG002, 06RSG005, 06RSG006, 06RSG007, 06RSG008, 06RSG009, 06RSG017, 06RSG105 and 06RSG106.

By: Celia M. Jackson, Secretary

4/25/08

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST : STIPULATION AS TO
PUBLIC SAFETY OF WISCONSIN, : PUBLIC SAFETY & INVESTIGATIONS,
INC., HEATHER M. LEE, JASON S. : INC., AND TERRANCE S. CHITWOOD
CHITWOOD, PUBLIC SAFETY & :
INVESTIGATIONS, INC., AND :
TERRANCE S. CHITWOOD, : LS#0612041RSG
RESPONDENTS. :

Division of Enforcement Case Numbers: 04 RSG 021 and 05 RSG 026

It is hereby stipulated and agreed, by and between Terrance S. Chitwood, Respondent, on his own behalf and on behalf of Public Safety & Investigations, Inc., Respondent; David L. Mandell, attorney for Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a formal complaint against Respondents' licensures by the Division of Enforcement (LS#0612041RSG). Respondents Terrance S. Chitwood and Public Safety & Investigations, Inc., consent to the resolution of this matter by stipulation and without hearing.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law. Respondents further agree that they will be estopped from giving testimony or evidence that is contrary to the contents of this stipulation or the attached final decision and order in any administrative or judicial proceeding.
3. Respondents have conferred with legal counsel prior to signing this Stipulation.
4. 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. Respondents waive all rights to any appeal of the Secretary of the Department of Regulation and Licensing's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Secretary 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 Secretary the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by 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 Secretary in open or closed session, with or without the presence of the Respondents or their attorney(s), for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with deliberations on the Stipulation.
7. Respondents are informed that should the Secretary adopt this Stipulation, the Secretary'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 Respondents in recommending the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

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TERRANCE S. CHITWOOD,	Date
Respondent, on his own behalf and	
on behalf of Respondent Public	
Safety and Investigations, Inc.	
2409 Prairie Road	
Madison, WI 53711	

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MARK A. HERMAN	Date
Attorney, Division of Enforcement	
Department of Regulation and Licensing	
1400 East Washington Avenue	
P.O. Box 8935	
Madison, WI 53708-8935	

[04 RSG 021 and 05 RSG 026: Revocation, Costs.