

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

Kurt R. Wipperfurth II
2084 Spring Creek Circle
Green Bay, WI 54311

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

Kurt R. Wipperfurth II ("Petitioner") submitted a first time application for a private security person permit on or about October 7, 2007. On October 19, 2007, the Department of Regulation and Licensing considered and denied the Petitioner's application on the grounds that the Petitioner's conviction record was substantially related to the practice of the security guard profession. Mr. Wipperfurth II made a timely request for a hearing on the denial of his application to practice as a security guard. On February 26, 2008, an Order For Expangement was granted in Brown County for the Petitioner's conviction record. A hearing on the denial of the Petitioner's application to practice as a security guard was adjourned pending the notice of the Expangement Order.

Based on the evidence received and the record herein, the Secretary of the Department of Regulation and Licensing makes the following:

FINDINGS OF FACT

- Kurt R. Wipperfurth II was born on August 28, 1986. Mr. Wipperfurth's most current address on file with the Department of Regulation and Licensing ("Department") is: 2084 Spring Creek Circle, Green Bay, Wisconsin 54311.
- Mr. Wipperfurth applied for a private security permit on or about October 9, 2007. The Department denied Mr. Wipperfurth's application on October 19, 2007.
- Mr. Wipperfurth's legal guardian made a timely request for a hearing on the denial of his application for a license.
- The application for a private security permit required that Mr. Wipperfurth answer question "A" under "STATEMENT OF ARREST OR CONVICTION" which states:
A. Have you ever been convicted of a misdemeanor or a felony or driving while intoxicated (DWI), in this or any other state, **OR** are criminal charges or DWI charges currently pending against you? **ILYES, complete and attach Form #2252.**
- Mr. Wipperfurth's response to question "A" was to check the box marked "Yes" and he included with his application Form #2252 and information which indicated the following:
On or about January 19, 2007, Mr. Wipperfurth was convicted on four class A misdemeanor counts of: Burglary of a Building or Dwelling-As Party to a Crime. All four misdemeanor counts are violations of section 943.15(1) of the Wisconsin Statutes.
- Mr. Wipperfurth was placed on probation from January 19, 2007 through January 19, 2008. Mr. Wipperfurth successfully completed the conditions and terms of his probation supervision. On February 26, 2008, an Order For Expangement was granted in Brown County for the Petitioner's conviction record.

CONCLUSIONS OF LAW

- The Department of Regulation and Licensing has jurisdiction over this matter, pursuant to Wis. Stat. § 227.42.
- The Department of Regulation and Licensing is authorized to enter into the Stipulation, pursuant to Wis. Stat. § 227.44(5).
- The conviction record detailed above constitutes convictions that substantially relate to the practice of private security within the meaning of Wis. Stat. § 111.335(1)(c) and the Department's initial denial of Mr. Wipperfurth's application was not an abuse of discretion.
- The Department may consider other factors in the decision whether to issue a license, and it has the authority under Wis. Stats. §§ 440.26(2) and(3) to issue a limited license to Mr. Wipperfurth.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

Practice Limitations/Reporting Requirements:

- Kurt R. Wipperfurth II is granted a limited private security person registration for a period of not more than one year subject to the following terms and conditions:
 - The effective date of the license shall be the date upon which the Department Secretary dates and signs this Order.
 - Mr. Wipperfurth shall only practice as a private security person to an employer who agrees to comply with issuing quarterly reports. Unless the employer fits one of the exemptions to requiring licensure as specified in Wis. Stat. § 440.26(5), the employer will need to be a licensed private detective agency in order for Mr. Wipperfurth to provide security services.
 - Mr. Wipperfurth shall file with the Department quarterly reports within five (5) days of the quarterly reports becoming due to the Department Monitor. The Department Monitor is the individual who coordinates compliance with the terms of this Order.
- Each report shall include:
 - The name, address and telephone number of Mr. Wipperfurth and name, address and telephone number of the Mr. Wipperfurth's employer.
 - A statement from Mr. Wipperfurth as to whether or not he has been convicted of a crime (including Driving While Intoxicated (DWI) or Operating While Intoxicated - OWI) during the term of the Order **OR** if criminal charges are pending.
 - A statement from Mr. Wipperfurth confirming his compliance with all the terms of his limited license and with the statutes and rules governing the practice of a security person.
 - A statement from the employer evaluating Mr. Wipperfurth's performance as a private security person and whether or not he has followed all guidelines and requirements of the employer.
- Mr. Wipperfurth shall not possess a firearm or any other dangerous weapon while employed as a private security person during the term of this Order.
- Mr. Wipperfurth shall not perform security service activities under a different employer without permission, in advance, from the Department of Regulation and Licensing, and unless the new employer agrees, in writing, that the terms of this limitation will be complied with and that the employer will cooperate with the Mr. Wipperfurth in the preparation and submittal to the Department of the required reports.
- Mr. Wipperfurth shall provide a complete copy of the Department's Final Decision and Order to his employer and arrange for his employer to immediately notify the Department Monitor if the Mr. Wipperfurth violates the terms of the Order.

Compliance:

- The limitations contained in this Order, in whole or in part, may be removed only upon a showing of successful compliance with all of the terms of this Order and in no event earlier than one year from the date of the signing of this Order by the Department Secretary.
- Failure by Mr. Wipperfurth to timely comply with the terms of this limitation shall result in the revocation of his limited private security permit without further notice or hearing or other proceedings.
- Any further criminal conviction (including DWI or OWI) shall result in the revocation of Mr. Wipperfurth's limited private security person's license without further notice or hearing or other proceedings.
- Mr. Wipperfurth shall immediately notify the Department in writing of any changes in employment and personal information as it relates to the limitations of his limited private security person's license.
- Any reports or documentation that needs to be received by the Department to show compliance with the terms of this Order shall be addressed to:

Department of Regulation and Licensing
Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
(608) 261-7904 (phone)

(608) 266-2264 (fax)

Costs:

- Mr. Wipperfurth shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with the terms of this Order.

Summary Suspension/Additional Discipline:

- The Department may conduct proceedings for a summary suspension under Wis. Admin. Code I, RL 4 or separate disciplinary action under Wis. Stat. § 452.14 for violations of this Order.
- This Order shall become effective upon the date of its signing.

Dated this 23rd day of May, 2008

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary