

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

LS0805236RSG

**KEVIN E. ROBERTS,
RESPONDENT.**

Division of Enforcement Files: 07 RSG 055

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

Kevin E. Roberts, II
1937 West Windsor Circle
Glendale, Wisconsin 53209

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. Kevin E. Roberts (Date of Birth: November 21, 1986) is duly licensed as a Private Security Person in the state of Wisconsin (Permit #108-28991) by the Wisconsin Department of Regulation and Licensing (hereinafter Department). Mr. Roberts' last reported address to the Department is 1937 West Windsor Circle, Glendale, Wisconsin 53209.

2. Mr. Roberts was first issued a regular Private Security Permit on July 20, 2005. On September 1, 2006, Mr. Roberts Private Security Permit expired. The Private Security Permit was not renewed until September 27, 2007.

3. On August 11, 2004, Mr. Roberts was convicted of Disorderly Conduct in the Milwaukee, Wisconsin Municipal Court. A true and correct copy of the Milwaukee Municipal Citation and Case Record and Judgment is attached as [Exhibit A](#). [Exhibit A](#) is incorporated by reference into this Order.

4. On or about July 17, 2005, Mr. Roberts filed an initial application for a Private Security Person Permit with the Department.

5. Questions on the 2005 initial application required an applicant to answer if the applicant had been convicted of Misdemeanor, Felony, Driving While Intoxicated (DWI), or had any criminal charges pending. Since Mr. Roberts' 2005 conviction was a Milwaukee Ordinance violation, Mr. Roberts was not required to notice that conviction on the initial application.

6. Though not required to disclose the conviction, the Department feels that Mr. Roberts' August 11, 2004, conviction is substantially related to the practice of a private security person. The Department first learned of the conviction in late 2007.

7. On August 30, 2006, Mr. Roberts was convicted of a Possession of Intoxicants in a Motor Vehicle in the Milwaukee, Wisconsin Municipal Court. A true and correct copy of the Wisconsin Uniform Citation and Case Record and Judgment Docket is attached as [Exhibit B](#). [Exhibit B](#) is incorporated by reference into this Order.

8. In May of 2007, Mr. Roberts requested a Private Security Person Renewal Application from the Department. That Private Security Person Renewal Application contains the following language, immediately above the line which Mr. Roberts was to date and sign:

“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 Renewal Application contains the following language immediately below the line which Mr. Roberts was to date and sign:

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

9. Mr. Roberts checked the Yes box concerning convictions; he then signed and dated the Application on May 23, 2007. Mr. Roberts attached information detailing a November 7, 2005, misdemeanor Disorderly Conduct – While Armed conviction in Milwaukee County Circuit Court. True and correct copies of the Criminal Complaint and Judgment of Conviction are attached as [Exhibit C](#). [Exhibit C](#) is incorporated into this document by reference.

10. Mr. Roberts did not provide any information detailing the August 30, 2006, Municipal Court violation on the renewal application.

11. Mr. Roberts made a material misstatement when he did not inform the Department of his August 30, 2006, violation in his May 2007 renewal application for a Private Security Person Permit.

12. On August 2, 2007, Mr. Roberts was convicted of Disorderly Conduct in Glendale, Wisconsin Municipal Court. The court record showed a violation date of July 3, 2007. A true and correct copy of the Citation Court Records is attached as [Exhibit D](#). [Exhibit D](#) is incorporated by reference into this Order.

13. On September 25, 2007, Mr. Roberts was granted a renewal Private Security Permit by the Department. Mr. Roberts had not informed the Department of the August 2, 2007, conviction when he was granted the renewal Private Security Permit.

14. In resolution of this matter, Kevin E. Roberts 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 Findings of Fact 7., Kevin E. Roberts has violated Wis. Stat. sec. 440.26(4m)(b), and Wis. Admin. Code § RL 35.01(2).

3. By the conduct referred to in Findings of Fact 3., 7., 9. and 12., Kevin E. Roberts has

violated Wis. Stat. sec. 440.26(6)(a)1.

4. By the conduct referred to in Findings of Fact 3., 7., 8., 9., 10., 11. and 12., Kevin E. Roberts has violated Wis. Stat. sec. 440.26(6)(a)2.

5. By the conduct referred to in Findings of Fact 10. and 11, Kevin E. Roberts has violated Wis. Stat. sec. 440.26(6)(a)3.

6. By the conduct referred to in Findings of Fact 3., 7., 9., 10. 11. and 12., Kevin E. Roberts has violated Wis. Stat. sec. 440.26(6)(a)4.

7. By the conduct referred to in the Findings of Fact 3., 7., 9., 10., 11. and 12., Kevin E. Roberts has violated Wis. Admin. Code RL 35.01(9).

8. By the conduct referred to in Findings of Fact 3. and 9., Kevin E. Roberts has violated Wis. Admin. Code RL 35.01(2).

9. By the conduct referred to in the Findings of Fact 10., Kevin E. Roberts has violated Wis. Admin. Code RL 35.01(17).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the Private Security Person Permit of Kevin E. Roberts (Permit #108-28991) is hereby **SUSPENDED** for fourteen (14) days. That suspension shall begin twenty-one (21) days after the effective date of this Order.

IT IS FURTHER ORDERED that Kevin E. Roberts shall pay total costs in the amount of **FOUR HUNDRED TWENTY-FIVE** dollars (\$425.00) in this matter.

All payments of total costs shall be submitted within 120 days from the date of this order. Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

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

Kevin E. Roberts shall present a copy of this Stipulation and Final Decision and Order to any private security employer that he may have until he has satisfied the fourteen day suspension of his license.

IT IS FURTHER ORDERED that in the event Kevin E. Roberts fails to comply with all the terms of the Order as set forth above, the private security permit of Kevin E. Roberts (permit number 108-28991) **SHALL BE SUSPENDED**, without further notice or hearing, until Kevin R. Roberts has complied with all 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

5/23/08

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS

AGAINST

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STIPULATION

LS# 08 _____ RSG

**KEVIN E. ROBERTS, II,
RESPONDENT.**

Division of Enforcement Files: 07 RSG 055

It is hereby stipulated between Kevin E. Roberts and John C. Temby, 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. Roberts' licensure by the Division of Enforcement (07 RSG 055). Mr. Roberts consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.
2. Mr. Roberts 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. Roberts is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Roberts 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. Roberts 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. Roberts or Mr. Roberts' 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. Roberts 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 Kevin E. Roberts in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Kevin E. Roberts, II
Respondent
1937 West Windsor Circle
Glendale, Wisconsin 53209
License Number 108-28991

Date

John C. Temby
Attorney
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

Date