

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**
: **LS0806194RSG**
THOMAS L. PHILLIPS, **:**
RESPONDENT. **:**

Division of Enforcement Files: 07 RSG 010

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

Thomas L. Phillips
516 68th Street
Milwaukee, Wisconsin 53 218

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. Thomas L. Phillips (Date of Birth: September 14, 1945) is duly licensed as a Private Security Person in the state of Wisconsin (Permit #108-362) by the Wisconsin Department of Regulation and Licensing (Department). The permit was first issued on July 1, 1997, and is current through August 31, 2008. Mr. Phillip' last address reported to the Department is 516 68th Street, Milwaukee, Wisconsin 53218.

2. From approximately January of 2004, through January of 2007, Mr. Phillips was employed by SSA Security, Inc., d/b/a Silverhawk Security as the Security Director at all Cargill Meat Solutions security accounts in the Milwaukee, Wisconsin, area.

3. During 2006 and 2007, Mr. Phillips, in his position as Security Director, allowed persons to work as private security guards at Milwaukee, Wisconsin, area Cargill Meat Solutions accounts without current private security permits.

4. In resolution of this matter, Thomas L. Phillips consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing is authorized to enter in the attached Stipulation pursuant to Wis. Stat. sec. 227.44(5).

2. By the conduct referred to in Findings of Fact 3., Thomas L. Phillips has violated Wis. Stat. sec. 440.26(6)(a)2. The Department may limit, suspend, revoke or reprimand a credential holder who engaged in conduct reflecting adversely on his or her professional qualification.

3. By the conduct referred to in Findings of Fact 3., Thomas L. Phillips has violated Wis. Stat. sec. 440.26(6)(a)4. The Department may limit, suspend, revoke or reprimand a credential holder who has violated this section or any rule promulgated or order issued under this section.

4. By the conduct referred to in Findings of Fact 3., Thomas L. Phillips has violated Wis. Admin. Code § RL 35.01(9). 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 qualification includes, but is not limited to, any of the following:

(9). Violating any rule in chs. RL 30 to 35.

5. By the conduct referred to in Findings of Fact 3., Thomas L. Phillips has violated Wis. Admin. Code § RL 35.01(13). 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 qualification includes, but is not limited to, any of the following:

(13). Assigning any person to perform private detective or security personnel duties who has not been issued a license or permit prior to performing the services or who has not properly notified the department of an employment transfer pursuant to s. RL 32.05.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the Private Security Person Permit of Thomas L. Phillips (Permit #108-362) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that Thomas L. Phillips shall pay costs in the amount of ONE HUNDRED dollars (\$100.00) in this matter.

All payments shall be submitted within 90 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

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Mr. Phillips' Private Security Person permit. The Secretary in her 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. In the event Mr. Phillips fails to timely pay costs as set forth above, Mr. Phillips Private Security Person permit (#108-362) SHALL BE SUSPENDED, without further notice or hearing, until Thomas L. Phillips has complied with the terms of this Order.

This Order shall be effective on the date on which it is signed.

THE DEPARTMENT OF REGULATION AND LICENSING

By Celia M. Jackson
Secretary

6/19/08

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

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS

AGAINST

:

STIPULATION

:

LS# 08 _____ RSG

:

**THOMAS L. PHILLIPS,
RESPONDENT.**

:

Division of Enforcement Files: 07 RSG 010

It is hereby stipulated between Thomas L. Phillips, 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. Phillips' licensure by the Division of Enforcement (07 RSG 010). Mr. Phillips consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Mr. Phillips 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. Phillips has been provided the opportunity to obtain legal counsel prior to signing this Stipulation.

4. Mr. Phillips 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. Phillips 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. Phillips or Mr. Phillips' 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. Phillips 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 Thomas L. Phillips in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Thomas L. Phillips

Respondent

516 South 68th Street

Milwaukee, Wisconsin 53214

License Number 108-362

Date

Claudia Berry Miran

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date