

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
WILLIAM T. CUSTER, AND	:	
MADISON INVESTIGATIONS,	:	
RESPONDENTS.	:	LS0807221RAL

Division of Enforcement Case No. 04 RAL 013

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

William T. Custer
5104 Arrowhead Drive
Monona, WI 53716

Madison Investigations
5718 Balsam Road #3
Madison, WI 53711

Department of Regulation and Licensing
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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Department on July 22, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Department. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **William T. Custer**, date of birth 02/09/1957, was issued a Private Detective license in the State of Wisconsin, license number 63-9400, on 09/16/1994. That license expired on 09/01/2006. Mr. Custer's last reported address on file with the Department of Regulation and Licensing is 5104 Arrowhead Drive, Monona, WI 53716.

2. **Madison Investigations** was issued a Private Detective Agency license in the State of Wisconsin, license number 62-15499, on 09/16/1994, identifying William T. Custer as the owner and sole employee of the agency. That license expired on 09/01/2006. Madison Investigations last reported address on file with the Department of Regulation and Licensing is 5718 Balsam Road, #3, Madison, WI 53711.

3. On or about September 23, 2003, William T. Custer and Madison Investigations entered into a contract for private detective services with Virginia Swenson and Betty Olson. The contract provided that the purpose of the investigation was for Mr. Custer to locate Ms. Swenson's adult daughter and Ms. Olson's adult son, who are married to each other.

4. The contract provided that Madison Investigations would perform 30 "estimated hours" of work at \$35.00 per hour, for a total of \$1,050.00. The \$1,050.00 was paid in full on September 23, 2003, by Ms. Swenson and Ms. Olson.

5. The September 23, 2003 contract did not include a description of how or when the agreement will terminate or may be terminated by one or both parties.

6. Between October 2004, and January 2006, Virginia Swenson made repeated requests of Mr. Custer for a written accounting of the services that Mr. Custer and Madison Investigations had performed for the \$1,050.00 that had been paid to them, but never received a written accounting of services.

7. During the course of the Department's investigation in this case, the Department made numerous requests of Mr. Custer for information, to which Mr. Custer failed to cooperate in a timely manner.

- a. By letter dated November 7, 2005, Investigator Ralph Draeger requested that Mr. Custer provide a response explaining the following: the status of the investigation for Ms. Swenson and Ms. Olson, Mr. Custer's future plans for the investigation, and the method used for accounting the time billed on the investigation. The letter also requested a copy of Mr. Custer's time accounting for the investigation and a copy of the contract he had with Ms. Swenson and Ms. Olson. Investigator Draeger's letter requested a response from Mr. Custer by November 22, 2005.
- b. Mr. Custer called Investigator Draeger on November 10, 2005, at which time Investigator Draeger reminded Mr. Custer to provide all of the information mentioned in the November 7, 2005 letter. Mr. Custer said he had not seen the letter yet, but confirmed he lived at the address to which the letter was sent. Investigator Draeger asked Mr. Custer to provide an update on the investigation status and an accurate accounting of the time he spent on the investigation. Mr. Custer said he would provide a response "soon."
- c. On November 21, 2005, Mr. Custer stopped in person at the Department to speak with Investigator Draeger. Mr. Custer told Investigator Draeger that he was gathering the information requested, and asked to have until November 28, 2005 to do so. Investigator Draeger agreed. Mr. Custer said he had not checked his mailbox for a few weeks and so had not seen the November 7 letter Investigator Draeger had sent him. Investigator Draeger handed Mr. Custer a copy of the November 7, 2005 letter, and reminded Mr. Custer that he needed to explain what he has done on the Swenson/Olson investigation, provide his time accounting, and respond to Ms. Swenson's concerns expressed in an email to Investigator Draeger, a copy of which was sent to Mr. Custer. Mr. Custer said he would "work on it."
- d. On December 8, 2005, Investigator Draeger spoke with Mr. Custer by telephone. Mr. Custer said he would have all the records and information requested to Investigator Draeger no later than

December 12, 2005.

- e. On December 14, 2005, Investigator Draeger spoke with Mr. Custer by telephone. Mr. Custer said he was still trying to gather his records of investigative work for Ms. Swenson and Ms. Olson. Investigator Draeger reminded Mr. Custer that it would be important for him to give an accurate accounting of the time he had spent on the investigation. Mr. Custer said he could provide this information by December 16, 2005.
- f. On December 15, 2005, Mr. Custer stopped in person at the Department and spoke with Investigator Draeger. Mr. Custer showed Investigator Draeger some phone records, personal notes and other records that he said were part of his investigation for Ms. Swenson and Ms. Olson. Mr. Custer said he was still working on a narrative response. Investigator Draeger asked Mr. Custer to provide those documents along with his written response all at once so that he could mark and reference each document as part of his response. Investigator Draeger told Mr. Custer to be sure to provide the information "within a week." Mr. Custer said he would do so.
- g. On January 9, 2006, Investigator Draeger left a voicemail message for Mr. Custer reminding him to provide the materials requested. In the message, Investigator Draeger informed Mr. Custer that the failure to respond in a timely fashion does provide a basis for discipline against his license.
- h. On January 10, 2006, Investigator Draeger left another voicemail message for Mr. Custer.
- i. On February 21, 2006, Investigator Draeger tried the phone number at which he had reached Mr. Custer in the past, but the recorded message said the number had been suspended.
- j. On February 22, 2006, Investigator Draeger sent a letter to Mr. Custer reminding Mr. Custer that he was still awaiting materials that Mr. Custer had said he would provide in December 2005. The letter reminded Mr. Custer that he needed to explain the method used for accounting the time billed on the investigation and provide a copy of his time accounting, and explain what transpired in this matter. The letter requested that the materials be provided by February 28, 2006. The letter also reminded Mr. Custer that pursuant to Wis. Admin. Code § RL 35.01(23), it is unprofessional conduct to fail to provide a timely response. The letter requested that Mr. Custer call Investigator Draeger immediately upon receiving the letter.
- k. On June 16, 2006, Mr. Custer called Investigator Draeger. Mr. Custer said he had not found time to gather all of the requested information. He confirmed he still lived at the address to which Investigator Draeger had sent letters to him. Investigator Draeger reminded Mr. Custer that his failure to respond to the repeated requests for information constituted unprofessional conduct. Mr. Custer said he would provide the requested information the following week.
- l. On May 8, 2007, Mr. Custer stopped in person at the Department and spoke with Investigator Draeger. Mr. Custer said he is still planning to provide the requested information and would do so by May 10, 2007. Investigator Draeger reminded him to provide an accounting of the time spent on the Swenson/Olson investigation.
- m. On May 17, 2007, Mr. Custer delivered to the Department a brief summary of the investigative work he had performed for Ms. Olson and Ms. Swenson. This summary did not provide any specific dates, accounting of actual time spent, notes, or hard copies of any documents or materials he had obtained in the course of his investigation except for three pages from telephone bills in 2004 and materials from a scientology meeting he had attended as part of the investigation.

8. Department records reveal that the liability policy for Madison Investigations expired on 05/25/2005.

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 is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. By the conduct described above in ¶ 5, Respondents have violated Wis. Admin. Code §§ RL 33.06(1)(e) and RL 35.01(12m) by failing to include in the September 23, 2003 contract with Ms. Swenson and Ms. Olson a description of how or when the agreement will terminate or may be terminated by one or both parties.
3. By the conduct described above in ¶ 6, Respondents have violated Wis. Admin. Code § RL 35.01(14) by failing to provide Ms. Swenson an accurate written account of services within a reasonable period of time after having been requested to do so by the client.
4. By the conduct described above in ¶ 7, Respondents have violated Wis. Admin. Code § RL 35.01(23) by failing to cooperate in a timely manner with the department's investigation of this matter after the department's repeated requests for information, including a written accounting of the services provided and time spent on the investigation for Ms. Swenson and Ms. Olson.
5. By the conduct described above in ¶ 8, Respondents have violated Wis. Admin. Code § RL 35.01(11) by failing to maintain a bond or liability policy for the period of licensure.
6. These violations demonstrate that William T. Custer and Madison Investigations engaged in conduct reflecting adversely on their professional qualifications and subject them to discipline pursuant to Wis. Stat. §§ 440.26(6)(a)2 and (6)(a)4, and Wis. Admin. Code § RL 35.01(intro).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Private Detective license of Respondent **William T. Custer** (license #63-9400) and the Private Detective Agency license of Respondent **Madison Investigations** (license #62-15499) shall be SUSPENDED for three months.
2. The three month suspension of William T. Custer's Private Detective license (license #63-9400) shall begin immediately upon the renewal or reinstatement of that currently expired license.
3. The three month suspension of Madison Investigations' Private Detective Agency license (license #62-15499) shall begin immediately upon the renewal or reinstatement of that currently expired license.
4. William T. Custer shall not own or operate the private detective agency Madison Investigations, or any other private detective agency in the State of Wisconsin, unless and until he renews or reinstates his personal private detective license.

IT IS FURTHER ORDERED that:

5. Respondents **William T. Custer** and **Madison Investigations** shall, jointly and severally, pay COSTS in this matter in the amount of \$2500.00. Payment of the costs shall be made according the following schedule:

PAYMENT AMOUNT	DUE DATE
\$300.00	90 days from the date of Order
\$600.00	180 days from date of Order
\$700.00	270 days from date of Order
\$900.00	360 days from date of Order

6. Payment of the COSTS 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) 267-3817

7. 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 Respondents' licenses. In its discretion the Department 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 William T. Custer and Madison Investigations fail to timely submit any payment as ordered, then their licenses (# 63-9400 and #62-15499) SHALL BE SUSPENDED without further notice or hearing until they have complied with the terms of this Order.

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

Dated at Madison, Wisconsin this 12th day of September, 2008.

Celia M. Jackson
Secretary, Department of Regulation and Licensing