

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
	:	
MAX VALENTINE and VALENTINE'S,	:	Case # LS08111922RSG
INVESTIGATION & PUBLIC SAFETY	:	
RESPONDENTS.	:	

Division of Enforcement Case # 07 RSG 053

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

Max Valentine
7314 West Tallmadge Place
Milwaukee, Wisconsin 53218

Valentine's Investigation & Public Safety
7314 West Tallmadge Place
Milwaukee, Wisconsin 53218

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

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P.O. Box 8935
Madison, WI 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 of Regulation and Licensing (Department). The Department has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Max Valentine (DOB 12/08/69) was duly licensed as a private security person in the state of Wisconsin (license # 5408-108) from September 29, 1997, to August 31, 2008.
2. Valentine's Investigation & Public Safety (Valentine's) is duly licensed as a private detective agency in the state of Wisconsin (license #16560-62). That license was first granted on March 13, 2007, and is current through August 31, 2009.
3. Max Valentine is listed in Department records as sole proprietor of Valentine's.
4. Respondents' most recent address on file with the Department is 7314 West Tallmadge Place, Milwaukee, Wisconsin 53218.
5. From June through August 2007, Ervin Rodriguez worked numerous times as a security guard for Valentine's Investigation & Public Safety.
6. The Department has never issued a security guard permit to Ervin Rodriguez.
7. From June through August 2007, LaShaundra Turner, Richard Hogan, Kevin Dumas, and Jucio Cruz worked numerous times as security guards for Valentine's Investigation & Public Safety.

8. Ms. Turner and Messrs. Hogan, Dumas and Cruz all held security guard permits at the time, but Department records show them as affiliated with companies other than Valentine's Investigation & Public Safety.
9. The only individual ever associated with Valentine's Investigation & Public Safety in Department records is Max Valentine.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26 (6), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stats. § 227.44 (5).
2. Wis. Administrative Code § RL 32.05 (2) provides that a licensed private detective agency shall notify the Department in writing within five (5) days of any change in the information which the agency is required to provide to the Department regarding its security guards.
3. Valentine's Investigation & Public Safety did not notify the Department of the transfer of employment of LaShaundra Turner, Richard Hogan, Kevin Dumas and Jucio Cruz to Valentine's.
4. Valentine's therefore violated Wis. Administrative Code § RL 32.05 (2).
5. Wis. Administrative Code § RL 35.01 (13) provides that assigning a person to perform security personnel duties who has not been issued a permit or who has not properly notified the Department of an employment transfer is conduct reflecting adversely on professional qualification.
6. By the conduct set forth in paragraphs 4 through 9 in the Findings of Fact, Respondents violated Wis. Administrative Code § RL 35.01 (13) and engaged in conduct reflecting adversely on professional qualification.
7. Wis. Administrative Code § RL 35.01 (9) states that violating any rule in chapters RL 30 to 35 is conduct reflecting adversely on professional qualification.
8. Wis. Stat. § 440.26 (6) (a) 2. states that the Department may reprimand the holder of a license or permit issued under § 440.26 or revoke, suspend or limit the license or permit of any person who engaged in conduct reflecting adversely on professional qualification.
9. Wis. Stat. § 440.26 (6) (a) 4. states that the Department may reprimand the holder of a license or permit issued under § 440.26 or revoke, suspend or limit the license or permit of any person who violated § 440.26 or and rule promulgated or order issued under § 440.26.
10. Respondents have engaged in conduct reflecting adverse on professional qualification and are therefore subject to discipline.
11. Respondents have violated rules in Wis. Administrative Code chapters 30 to 35 and are therefore subject to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The permit of Max Valentine to practice as a security guard in the state of Wisconsin (permit #5408-108) is hereby REPRIMANDED.
2. The license of Valentine's Investigation & Public Safety to operate as a private detective agency in the state of Wisconsin (license # 16560-62) is hereby REPRIMANDED.
3. Max Valentine and Valentine's Investigation & Public Safety shall, within one hundred twenty (120) days from the date of this order, pay costs in the amount of FOUR HUNDRED FIFTY dollars (\$450.00) in this matter. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
FAX (608) 266-2264

4. Valentine's Investigation & Public Safety shall, until September 1, 2010, submit on a quarterly basis a complete accounting (by full name and private security permit number) of **all persons employed as security guards** by Valentine's during the preceding three-month reporting period. Valentine's shall also account (by full name and private security permit number) for all terminations of security guards during the preceding three-month reporting period. Valentine's shall promptly reply to any questions that the Department may have concerning the quarterly accounting within fifteen [15] days of a request by the Department for information. Valentine's shall be responsible for all costs associated with the quarterly accounting.

Any report ordered to be submitted under this Order shall be forwarded to the Department Monitor.

5. **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 the license (# 16560-62) of Valentine's Investigation & Public Safety. The Department in its 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 Valentine's Investigation & Public Safety fails to pay costs as ordered or fails to comply with the ordered reporting, Respondent's private detective agency license SHALL BE SUSPENDED, without further notice or hearing until Valentine's Investigation & Public Security has complied with the terms of this Order.**
6. This Order is effective on the date of its signing

By: Celia M. Jackson, Secretary

11/19/08