

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF	:	FINAL DECISION AND
THE UNLICENSED PRACTICE BY	:	SPECIAL ORDER OF INJUNCTION
	:	WIS. STAT. § 440.21
GREGORY A. NELSON,	:	LS0903241UNL
	:	
RESPONDENT.	:	

Division of Enforcement Case File Number: 09 UNL 004

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

Gregory A. Nelson
4805 Ellestad Drive
Madison, Wisconsin 53716

Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

A Petition for an Administrative Injunction has been filed. 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 Secretary of the Department of Regulation and Licensing, without hearing. The Secretary of the Department of Regulation and Licensing has reviewed this Stipulation and considers it acceptable.

Accordingly, the Secretary of the Department of Regulation and Licensing in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Gregory A. Nelson (Nelson), currently resides at 4805 Ellestad Drive, Madison, Wisconsin 53716. Mr. Nelson has never been an owner or operator of a licensed detective agency, and has never been licensed as a private security person.
2. On January 26, 2009, Mr. Nelson was interviewed by an investigator from the Department of Regulation and Licensing. During the interview Mr. Nelson admitted that he had been providing security guard services through a company owned by him since October 23, 2008. The company was called GN Security. Mr. Nelson stated that he provided security for a business owned by a member for his immediate family, and that he worked as a security guard at special events and concerts.
3. Per Wis. Stat. § 440.26(1)(a), “No person may do any of the following unless he or she has a license or permit issued under this section: 1. Advertise, solicit or engage in the business of operating a detective agency. 2. Act as a... private

security person....”

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 440.21(1) and (2).
2. The Wisconsin Department of Regulation and Licensing is authorized to enter into the attached stipulation pursuant to Wis. Stat. § 227.44(5).
3. By soliciting to provide private security services and by providing private security services, Respondent **Gregory A. Nelson** has operated a detective agency without a license, and acted as private security persons without licenses, in violation of Wis. Stat. § 440.26(1)(a)1 and 2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that **Gregory A. Nelson** is hereby ENJOINED and PROHIBITED from soliciting or otherwise engaging in the business of a detective agency, and from acting as private security person, until and unless he is duly licensed to do so by the Wisconsin Department of Regulation and Licensing.

This Order shall become effective upon the date of its signing.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary

3/24/09

IN THE MATTER OF	:	
THE UNLICENSED PRACTICE BY	:	STIPULATION
	:	
GREGORY A. NELSON,	:	LS # _____ UNL
	:	
RESPONDENT.	:	

Division of Enforcement Case File Number: 09 UNL 004

It is hereby stipulated between Gregory A. Nelson, Respondent; and Mark A. Herman, 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 litigation by the Division of Enforcement (09 UNL 004). Respondent consents to the resolution of this matter by stipulation and without proceeding to hearing.
2. Respondent understands that by the signing of 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 and the Wisconsin Administrative Code.
3. Respondent has been provided an opportunity to obtain legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Special Order of Injunction by the Secretary of the Department of Regulation and Licensing (hereafter “Secretary”). The parties to the Stipulation consent to the entry of the attached Final Decision and Special Order of Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the attached order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Secretary, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Secretary, the parties agree not to contend that the Secretary 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 Secretary, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with the Secretary’s deliberations on the Stipulation.
7. Respondent is informed that should the Secretary adopt this stipulation, the Secretary’s Final Decision and Order i a public record and will be published in accordance with standard Department policy.
8. The Division of Enforcement joins Respondents in recommending that the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

Respondent
4805 Ellestad Drive
Madison, Wisconsin 53716

Mark A. Herman
Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
Post Office Box 8935
Madison, Wisconsin 53708-8935

Date