

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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the Department is 1601 Seybold Road #209, Madison, WI 53719.

3. On August 26, 2008, a criminal complaint was filed against Mr. Eichsteadt. On February 19, 2009 the State filed an Amended Information, charging a total of 11 counts alleging violations of Wis. Stat. § 948.20(1)(d) (Theft by False Representation, >\$2,500, which is a Class A Misdemeanor); and an additional total of 11 counts alleging violations of Wis. Stat. §946.68(1r)(a) (Simulating Legal Process, which is a Class I Felony). The charges alleged 12 incidents wherein Mr. Eichsteadt issued fee notices to individuals parked in private parking lots.

4. On April 15, 2009, Mr. Eichsteadt pled “no contest” to five counts of Theft by False Representation, and was found guilty of the same. Mr. Eichsteadt also pled “no contest” to one count of Simulating Legal Process; the Court withheld adjudication of this crime. The remaining seven counts of Theft by False Representation and eleven counts of Simulating Legal Process were dismissed, but read-in for sentencing purposes.

5. All crimes concerned a series of incidents committed by Mr. Eichsteadt and others on behalf of MPS. Specifically, Mr. Eichsteadt admitted that he and others created “parking tickets” which were issued to vehicles parked on private property on at least 12 occasions. Mr. Eichsteadt further admitted that MPS had received payment on 12 occasions.

6. Enactment and enforcement of parking regulations is given to local authorities under Wis. Stat. § 349.06. The term “local authorities” is defined by Wis. Stat. § 340.01 (26) as, “...every county board, city council, town, or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.” Mr. Eichsteadt admits that MPS was not acting on behalf of any local authority that is entitled to issue parking tickets within the meaning of Wis. Stat. §§ 340.01(26) and 349.06.

7. Per Wis. Admin. Code § RL 35.01, “The department may... suspend or revoke a credential... 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: “(2) Violating, or aiding or abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective or private security person.”

8. Per Wis. Stat. § 440.26 (6) (a), “...the department may... revoke, suspend or limit the license or permit of any person who has done any of the following: ...2. Engaged in conduct reflecting adversely on his or her professional qualification.”

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stat. § 440.26.

2. The Wisconsin Department of Regulation and Licensing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. By issuing tickets for alleged parking violations and/or causing others to issue the same, without being a local authority or acting on behalf of a local authority within the meaning of Wis. Stat. § 349.06, Respondents **Brendan M. Eichsteadt** and **Metropolitan Protective Services** have violated or aided and abetted violations of laws, the circumstances of which are substantially related to the practices of Private Security Persons and Private Detective Agencies, reflecting adversely upon their professional qualifications, and thereby subjecting themselves to discipline per Wis. Stat. § 440.26 (6) (a) 2. and Admin. Code § RL 35.01(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The licenses of Respondents **Brendan M. Eichsteadt** (#108-15981) and **Metropolitan Protective Service** 16527) shall be, and hereby are, **REVOKED**.

IT IS FURTHER ORDERED that:

2. **Brendan M. Eichsteadt** and **Metropolitan Protective Services**, shall pay the costs of this investigation in the amount of ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,400.00). The full amount of all costs shall be immediately due and owing upon receipt of any application for any license administered by the Department of Regulation and Licensing from Brendan M. Eichsteadt, or any other owner of Metropolitan Protective Services.

3. Proof of completion of coursework, payment of costs, and all other submissions required by the Order shall be mailed, faxed, delivered or otherwise transmitted 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. Case number 08 RSG 019 is hereby closed.

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

DEPARTMENT OF REGULATION AND LICENSING

By: CELIA M. JACKSON, SECRETARY

Date 6/8/09

the attached Final Decision and Order.

BRENDAN M. EICHSTEADT,
Respondent, on his own behalf and
on behalf of **METROPOLITAN
PROTECTIVE SERVICES,**
Respondent
429 Valeria Drive #1
De Forest, WI 53532

Date

G. BRIAN BROPHY
Sipsma, Hahn & Brophy, LLC,
Attorneys for Respondent
701 East Washington Avenue #201
Madison, WI 53703-2958
Approved as to form.

Date

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

Date