

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE	:
DISCIPLINARY PROCEEDINGS	:
AGAINST	: FINAL DECISION AND ORDER
	:
CHAD R. GAINES and GAINES	:
CONSULTING & INVESTIGATIONS,	: LS0907281RAL
	:
RESPONDENTS.	:

Division of Enforcement Case Number: 06 RAL 078

The parties to this Interim Order for the purpose of Wis. Stats. sec. 227.53 are:

Chad R. Gaines
Respondent
6949 Loudon Drive
P.O. Box 15206
Loves Park, IL 61132

Gaines Consulting & Investigations
Respondent
6949 Loudon Drive
P.O. Box 15206
Loves Park, IL 61132

Department of Regulation and Licensing
Office of the Secretary
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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, subject to the approval of the Secretary of the Department of Regulation and Licensing (Secretary and Department, respectively). The Secretary has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Chad R. Gaines (Chad Gaines), whose date of birth January 23, 1970, has been issued a permit to practice as a private detective (#63-11148) in the State of Wisconsin, which was first granted on April 19, 2006 and which will expire on September 1, 2010. Mr. Gaines' last address reported to the Department is 6949 Loudon Drive, P.O. Box 15206, Loves Park, IL 61132.

2. Respondent Gaines Consulting & Investigations (CGI) has been issued a license to practice as a Private

Detective Agency (#62-16506) by the State of Wisconsin, which was first granted on September 7, 2006, and which will expire on September 1, 2009. CGI is owned and operated by Chad Gaines. CGI's last address reported to the Department is 6949 Loudon Drive, P.O. Box 15206, Loves Park, IL 61132.

3. Chester W. Gaines (Chet Gaines), whose date of birth is November 8, 1944, has previously been licensed as a private detective (#63-9048) by the State of Wisconsin. Chet Gaines license was first granted on May 24, 1993, and expired on September 1, 1996.

4. In 2006 Chad Gaines assigned Chet Gaines to perform surveillance in the state of Wisconsin in two separate cases, for clients S.V. and C.C. At all times relevant to this matter Chet Gaines did not hold a valid credential as a private detective, nor was the Department notified of his employment by CGI. At no time did CGI have a written contract to perform services with either S.V. or C.C.

5. Per Wis. Admin. Code § RL 33.06(1), "...a private detective agency shall enter into a written agreement with a client before providing services to the client..."

6. 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) ...aiding and abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective... (12m) Violating the requirement for written contracts in s. RL 32.06... (13) Assigning any person to perform private detective... duties who has not been issued a license or permit prior to performing services or who has not properly notified the department of an employment... (19) Practicing without a current credential."

7. 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 assigning Chet Gaines to perform private detective services when he did not hold a valid Wisconsin license as a private detective, as set forth more fully above in paragraph 4 of the Findings of Fact, **Chad R. Gaines** and **Gaines Consulting & Investigations** have violated Wis. Admin. Code § RL 35.01(2) and RL 35.01(13), thereby subjecting themselves to discipline per Wis. Stat. § 440.26(6)(a).
4. By providing private detective services to S.V. and C.C. without written agreements, as set forth more fully above in paragraph 4 of the Findings of Fact, **Chad R. Gaines** and **Gaines Consulting & Investigations** have violated Wis. Admin. Code § RL 32.06(1) and RL 35.01(12m), thereby subjecting themselves to discipline per Wis. Stat. § 440.26(6)(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The licenses of Respondents **Chad R. Gaines** (#63-11148) and **Gaines Consulting & Investigations** (62-) shall be, and hereby are, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. **Chad R. Gaines** and **Gaines Consulting & Investigations**, shall pay the costs of this investigation in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00). Respondent shall pay the amount of \$1,250.00 within one year of the date of signing of this Order, and the remainder within two years of the date of signing of this Order.
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 06 RAL 078 is hereby closed.
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Respondents' licenses. 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 Respondents fail to timely submit any payment as set forth above Respondents' licenses (#63-11148 and #62-16506) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

DEPARTMENT OF REGULATION AND LICENSING

By: CELIA M. JACKSON, SECRETARY

7/17/09

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST : STIPULATION
:
CHAD R. GAINES and GAINES :
CONSULTING & INVESTIGATIONS, : LS# _____ RAL
:
RESPONDENTS. :

Division of Enforcement Case Number: 06 RAL 078

It is hereby stipulated and agreed, by and between Chad R. Gaines, Respondent, on his own behalf and on behalf of Gaines Consulting & Investigations, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation against Respondents' licensures by the Division of Enforcement (06 RAL 078). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondents have been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Secretary of the Department of Regulation and Licensing (Secretary). 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. Respondents waive all rights to any appeal of the Secretary's 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 then 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 ever assigned as an advisor in this investigation may appear before the Secretary, without the presence of Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any person 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 is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

CHAD R. GAINES, Respondent,
on his own behalf and on behalf of
**GAINES CONSULTING &
INVESTIGATIONS**, Respondent,
6949 Loudon Drive
P.O. Box 15206
Loves Park, IL 61132

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