

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF THE APPLICATION
FOR A PRIVATE SECURITY PERMIT OF**

**ORDER GRANTING
PRIVATE SECURITY PERMIT
LS0811133RSG**

**RICHARD A. REYNOLDS,
APPLICANT.**

Division of Enforcement Case # 08 RSG 039

TO: Richard A. Reynolds
3011 West Fardale Avenue #8
Milwaukee, WI 53221

Attorney Sheila Sullivan
Legal Action of Wisconsin
230 West Wells Street, Room 800
Milwaukee, WI 53203

BACKGROUND

On or about June 30, 2008, Mr. Richard A. Reynolds filed an application for a private security permit. In the application, Mr. Reynolds indicated that he had been convicted of a misdemeanor. Further investigation revealed that he had been convicted of a felony, operating an auto without an owner's consent, under Wis. Stat. §943.23. On or about August 8, 2008, the Department of Regulation and Licensing (Department) served Mr. Reynolds with a Notice of Intent to Deny his application due to his felony conviction, pursuant to Wis. Stat. §440.26(5m). On or about September 19, 2008, Mr. Reynolds requested a hearing. The hearing was granted and on December 17, 2008, a Class 1 Application Denial hearing was held before an administrative law judge (ALJ).

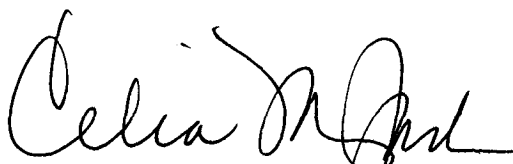
On March 24, 2009, the Department issued its Final Decision and Order (Order) denying Mr. Reynolds' application for a private security permit, based on the ALJ's finding that despite the fact that Mr. Reynolds' prior felony conviction was not substantially related to the private security profession, the effect of Wis. Stat §440.26(5m)(a)2. prevented the Department from issuing a private security permit. Mr. Reynolds appealed the Order to the Circuit Court for Milwaukee County, under case number 09 CV 6200. The Circuit Court held that the ALJ's application of the relevant statutes violated Mr. Reynolds' right to due process pursuant to the equal protection clause of the Fourteenth Amendment. The Court reversed the ALJ's decision and remanded the matter to the Department.

ORDER

NOW, THEREFORE, IT IS ORDERED that Mr. Richard A. Reynolds' prior felony conviction is not substantially related to the practice of the private security profession and that Wis. Stat. §440.26(5m)(a)2. will not be applied as a bar to the granting of a permit.

IT IS FURTHER ORDERED that the Department hereby grants Mr. Reynolds a private security permit.

Dated this 1st of March, 2010.



Celia M. Jackson, Secretary
Department of Regulation and Licensing