

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

HOLLY L. SWANEY,
RESPONDENT

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0000262

Division of Enforcement Case File # 09 RSG 023

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Holly L. Swaney
354 Fourth Avenue North
Onalaska, WI 54650

Wisconsin Department of Regulation and Licensing
Office of the Secretary
P.O. Box 8935
Madison, WI 53707-8935

Wisconsin 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 disposition of this matter, subject to the approval of the Wisconsin Department of Regulation and Licensing Secretary (Secretary). The Department Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Holly L. Swaney is licensed in the state of Wisconsin as a Private Security Person, license # 108-33675. This license was first granted to her on 06/26/2007 and is current through 08/31/2010.
2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Ms. Swaney is 354 Fourth Avenue North, Onalaska, WI 54650.

3. During the course of a different Department investigation, it was discovered that Holly L. Swaney had several criminal convictions that were not reported to the Department. A case was subsequently opened for investigation.

4. The Department's investigation revealed that Holly L. Swaney was convicted of misdemeanor Resisting or Obstructing an Officer on or about March 24, 2009. Ms. Swaney timely reported this conviction to the Department.

5. The Department's investigation revealed that Holly L. Swaney was convicted of misdemeanor Resisting or Obstructing an Officer on or about September 14, 2009 and misdemeanor Resisting or Obstructing an Officer and misdemeanor Disorderly Conduct on or about December 4, 2009. Ms. Swaney failed to report these convictions to the Department within 48 hours of the Judgments of Conviction as is required by Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL 35.01(2).

6. In a telephone call with a Department Investigator on February 24, 2010, Ms. Swaney indicated that she is willing to voluntarily surrender her private security person license.

7. In resolution of this matter, Holly L. Swaney consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The State of Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Admin. Code § RL 35.01(2), the Department may discipline a credential holder who has engaged in conduct reflecting adversely on professional qualification. Conduct reflecting adversely on professional qualification includes "[v]iolating, 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."

3. By the conduct described in paragraph 5 of the Findings of Facts, Holly L. Swaney has violated:

- a. Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § RL 35.01(2) by failing to report convictions to the department within 48 hours of the judgment of convictions; and
- b. Wis. Admin. Code § RL 35.01(2) by violating laws which substantially relate to the practice of a private security person.

ORDER

1. NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Holly L. Swaney's license to practice as a private security person in Wisconsin, (number 108-33675), is hereby ACCEPTED.

2. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. Holly L. Swaney shall pay the costs of investigating and prosecuting this matter, in the amount of FIVE HUNDRED DOLLARS (\$500.00), before any application for reinstatement of her Wisconsin private security permit (number 108-33675) or any application for any license administered by the Wisconsin Department of Regulation and Licensing may be considered. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent 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

IT IS FURTHER ORDERED, that file, 09 RSG 023 be, and hereby is, closed.

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

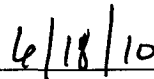
THE DEPARTMENT OF REGULATION AND LICENSING

By



Celia M. Jackson, Secretary
Department of Regulation and Licensing

Date



6/18/10