

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

BURL HARPER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0001907

Division of Enforcement Case No. 11 RSG 034

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

Burl Harper
2280 High Ridge Trail
Fitchburg, WI 53713

Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Wisconsin Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Burl Harper (dob 07/16/1954) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-40627, first issued on 05/21/2010, and current through 08/31/2012. Respondent Harper's most recent address on file with the Department is 2280 High Ridge Trail, Fitchburg, WI 53713.

2. On or about March 31, 2011, the *Wisconsin State Journal* ran an article indicating that Respondent Harper had been charged with felony theft for allegedly taking \$20,000 in cash from a company truck while he was working as an armored car employee and burying it in the yard outside his apartment building.

3. On or about June 21, 2011, the Department sent Respondent Harper a letter reminding Respondent Harper that pursuant to Wis. Stat. § 440.26(4m)(b), he is required to report convictions to the Department within 48 hours of the conviction.

4. In October 2011, during a check of the status of pending litigation regarding Respondent Harper, a Department paralegal noted that Respondent Harper had been convicted of two theft charges and had entered into a deferred prosecution agreement for a third theft charge. Division of Enforcement case number 11 RSG 034 was subsequently opened for investigation.

5. Court records obtained during the course of the Department's investigation revealed that on or about October 7, 2011, Respondent Harper was convicted of two misdemeanor counts of Theft-Business Setting <=\$2500. On or about October 7, 2011, Respondent Harper pled guilty to a felony charge of Theft-Business Setting >\$10,000 and entered into a deferred prosecution agreement.

6. Respondent Harper failed to notify the Department of the convictions within 48 hours after the entry of the judgment of conviction.

7. In resolution of this matter, Respondent Harper consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services 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. By the conduct described in the Findings of Fact, Respondent Harper engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by violating laws the circumstances of which substantially relate to the practice of a private security person.

3. By the conduct described in the Findings of Fact, Respondent Harper violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § SPS 35.01(2) by failing to report convictions to the Department within 48 hours of judgment of conviction.

4. As a result of the violations noted above, Respondent Harper is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1, 2 and 4 and Wis. Admin. Code § RL (now SPS) 35.01.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Private Security Person license of Burl Harper (license number 108-40627) is hereby REVOKED.
2. Respondent Harper shall not seek to reinstate his license or apply for a private security person license or private detective license with the State of Wisconsin for at least 5 years from the date of this Order.
3. In the event that Respondent Harper seeks to reinstate his license or applies for any private security person license or private detective license, he shall pay costs in this matter in the amount of \$156.00 before any reinstatement or application may be considered.
4. In the event that Respondent Harper seeks to reinstate his license or applies for any private security person license or private detective license, he shall submit a new application and meet all requirements for licensure then existing at the time of his request.
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in further action against Respondent Harper.
6. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

7/2/12
Date