

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

WARE A. BURNETTE,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0001961

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Division of Enforcement Case No. 12 RSG 006

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

Ware A. Burnette  
1128 Moraine View Drive, #308  
Madison, WI 53719

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 Ware A. Burnette (dob 06/27/1969) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-28434, first issued on May 6, 2005 and current through August 31, 2012. Respondent Burnette's most recent address on file with the Department is 1128 Moraine View Drive, #308, Madison, WI 53719.

2. In November 2011, Respondent Burnette submitted a renewal application for his private security person license to the Department and answered "YES" to the following question:

HAVE YOU BEEN CONVICTED WITHIN THE PAST TWO YEARS  
OF A FELONY, A MISDEMEANOR OR A VIOLATION OF ANY

STATE OR LOCAL LAW (OTHER THAN TRAFFIC) THAT IS  
PUNISHABLE BY A FORFEITURE, OR, ARE CHARGES PENDING?  
(If YES, provide information.)

3. A subsequent Criminal Information Bureau check revealed convictions for Respondent Burnette. Division of Enforcement case number 12 RSG 006 was subsequently opened for investigation.

4. Court records obtained during the course of the Department's investigation revealed the following convictions for Respondent Burnette:

- a. Resisting or Obstructing an Officer; charged on or about June 28, 2006, convicted on or about November 18, 2008 (Dane County Case Number 2006CM002233);
- b. Disorderly Conduct; charged on or about October 6, 2008, convicted on or about January 21, 2009 (Dane County Case Number 2008CM003075);
- c. Operating While under Influence (2nd); charged on or about October 5, 2009, convicted on or about March 11, 2011 (Columbia County Case Number 2009CT000397); and
- d. Operating While Revoked (Rev due to alc/contr subst/refusal); charged on or about July 7, 2011, convicted on or about October 26, 2011 (Dane County Case Number 2011CT000846)

5. Respondent Burnette failed to notify the Department of the convictions within 48 hours after the entry of the judgments of conviction.

6. In resolution of this matter, Respondent Burnette 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 Burnette 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 Burnette violated Wis. Stat. § 440.26(4m)(b) and engaged in conduct which reflects adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by failing to report convictions to the Department within 48 hours of the judgments of conviction.

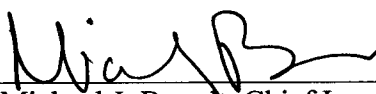
4. As a result of the violations noted above, Respondent Burnette is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1, 2, and 4 and Wis. Admin. Code § RL (now SPS) 35.01.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The VOLUNTARY SURRENDER of the Private Security Person license of Ware A. Burnette (license number 108-28434) is hereby accepted.
3. If Respondent Burnette ever seeks to reinstate his license or applies for any other credential regulated by the Department, then he shall pay the costs of investigating and prosecuting this matter, in the amount of \$836.00, before any such application may be considered. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:  
  
Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264
4. In the event that Respondent Burnette seeks to reinstate his license or applies for a private security person credential, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of his request.
5. Should Respondent Burnette seek to reinstate his license or apply for a private security person credential, the Wisconsin Department of Safety & Professional Services may in its sole discretion determine whether, and under what circumstances, a credential may be issued.
6. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
7. 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

8/7/12  
Date