

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	:	
	:	FINAL DECISION AND ORDER
JASMANY ESCRIBANO AND	:	
ESCRIBANO PUBLIC SAFETY, LLC,	:	ORDER 0002217
RESPONDENTS.	:	

Division of Legal Services and Compliance¹ Case No. 12 RSG 014

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

Jasmany Escribano
4930 N. 62nd St.
Milwaukee, WI 53218

Escribano Public Safety, LLC
4930 N. 62nd St.
Milwaukee, WI 53218

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

Division of Legal Services and Compliance
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.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

FINDINGS OF FACT

1. Respondent Jasmany Escribano (dob April 30, 1980) was licensed in the State of Wisconsin as a Private Security Person, having license number 108-20360, first issued on March 22, 2002, and expired on September 1, 2012. Respondent Escribano's most recent address on file with the Department is 4930 N. 62nd St., Milwaukee, WI 53218.

2. Respondent Escribano Public Safety, LLC is licensed in the State of Wisconsin as a Private Detective Agency, having license number 62-16862, first issued on November 7, 2011, and current through August 31, 2013. Respondent Escribano Public Safety, LLC's most recent address on file with the Department is 4930 N. 62nd St., Milwaukee, WI 53218. Respondent Escribano is the sole member of Respondent Escribano Public Safety, LLC.

3. On or about May 8, 2012, the Department received a complaint alleging, among other things, that Respondents were employing unlicensed individuals to perform private security personnel duties. Division of Legal Services and Compliance Case Number 12 RSG 014 was subsequently opened for investigation.

4. The Department's investigation revealed that an individual known as Junior had been hired and assigned to perform private security personnel duties by Respondents prior to receiving a private security person license.

5. On February 17, 2012, Allied Insurance Center in Brookfield, WI cancelled Respondent Escribano Public Safety LLC's liability insurance policy for non-payment of premium. Respondents continued to operate as a private detective agency until the end of August 2012 without the required liability insurance policy.

6. On July 18, 2012, a Department investigator requested Respondent Escribano to respond to the complaint filed against him. Despite repeated attempts by the Department, Respondent Escribano has failed to respond to the request.

7. On August 27, 2012, Respondent Escribano informed a Department investigator that Respondents did not have a written contract one of their clients prior to providing security services to the client.

8. On September 6, 2012, Respondent Escribano informed a Department investigator that he was no longer providing private security person services.

9. In resolution of this matter, Respondents Jasmany Escribano and Escribano Public Safety, LLC consent 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, Respondents engaged in conduct reflecting adversely on their professional qualifications pursuant to Wis. Admin. Code § SPS 35.01(13) by assigning an unlicensed person to perform private security personnel duties.

3. By the conduct described in the Findings of Fact, Respondents engaged in conduct reflecting adversely on their professional qualifications pursuant to Wis. Admin. Code § SPS 35.01(11) and violated Wis. Stat. § 440.26(4) and Wis. Admin. Code §§ SPS 31.034(1) and (2) by failing to maintain a bond or liability policy.

4. By the conduct described in the Findings of Fact, Respondents engaged in conduct reflecting adversely on their professional qualifications pursuant to Wis. Admin. Code § SPS 35.01(23) by failing, within a timely manner, to respond to requests of the Department.

5. By the conduct described in the Findings of Fact, Respondents engaged in conduct reflecting adversely on their professional qualifications pursuant to Wis. Admin. Code § SPS 35.01(12m) and violated Wis. Admin. Code § SPS 33.06(1) by failing to enter into a written contract with a client before providing services to the client.

6. As a result of the violations noted in the Conclusions of Law, Respondents are subject to discipline pursuant to Wis. Stat. §§ 440.26(6)(a)2, 4 and 5 and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jasmany Escribano's right to renew his Private Security Person license (number 108-20360), pursuant to Wis. Stat. § 440.08(3)(a), is SUSPENDED for a period of 30 days beginning 15 days from the date of this Order.

3. Respondent Escribano Public Safety, LLC's license (number 62-16862) is SUSPENDED for a period of 30 days beginning 15 days from the date of this Order, or until it provides the Department with satisfactory proof that it has obtained the required bond or liability policy, whichever is longer.

4. Within 90 days from the date of this Order, Respondent Escribano Public Safety, LLC shall pay COSTS of this matter in the amount of \$747.00

5. Proof of bond or liability policy coverage and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent Escribano Public Safety, LLC to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent Escribano Public Safety, LLC's license. The Department in its 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 Respondent Escribano Public Safety, LLC fails to timely submit payment of the costs as ordered and as set forth above, Respondent's license (no. 62-16862) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent Escribano Public Safety, LLC has complied with payment of the costs.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

12/18/12
Date