

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

TERRION N. KIRK,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002274

Division of Legal Services and Compliance Case No. 12 RSG 052

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

Terrion N. Kirk
2649 N. 56th St.
Milwaukee, WI 53210-2236

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.

FINDINGS OF FACT

1. Respondent Terrion N. Kirk (dob September 15, 1984) is licensed in the State of Wisconsin as a Private Security Person, having license number 108-25426, first issued on February 18, 2004, and current through August 31, 2014. Respondent's most recent address on file with the Department is 2649 North 56th Street, Milwaukee, Wisconsin 53210-2236.

2. Respondent is currently incarcerated at Milwaukee County Correctional Facility South, 8885 South 68th Street, Franklin, Wisconsin 53132.

3. In September 2012, Respondent submitted an online renewal application for his private security person license and answered "YES" to the following questions:

In the past two years, have you been convicted of a MISDEMEANOR, OPERATING WHILE INTOXICATED (OWI), a VIOLATION of any federal, state or local law, OR are criminal charges or OWI charges currently pending against you in this or any other state?

In the past two years, have you been convicted of a VIOLATION of ANY federal, state or local law or municipal ordinance that is punishable by a fine or forfeiture in this or any other state, OR are federal, state or municipal charges currently pending against you?

In the past two years, have you been convicted of a FELONY in this state or any other state, OR are FELONY charges currently pending against you?

4. A subsequent Criminal Information Bureau check by the Department revealed theft convictions for Respondent within the two years preceding September 2012.

5. Respondent's private security person license was renewed on November 8, 2012, and the matter was referred Division of Legal Services and Compliance. Case number 12 RSG 052 was subsequently opened for investigation.

6. Court records obtained from Respondent and during the Department's investigation revealed that on or about August 1, 2011, Respondent was charged with felony Theft (Milwaukee County Case Number 2011CF003385).

7. Police reports revealed the charge stemmed from an incident in which Respondent stole items from the store he was employed at, while he was on duty, as a private security person.

8. On November 17, 2011, Respondent was convicted of amended charges of misdemeanor Theft-Movable Property <=2500 (3 counts). Respondent was sentenced, in part, to 9 months House of Correction (stayed) and 18 months probation.

9. Respondent failed to notify the Department of the convictions within 48 hours after the judgment of conviction.

10. In resolution of this matter, Respondent 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 engaged in conduct reflecting adversely on his professional qualification pursuant to Wis. Admin. Code § RL (now SPS) 35.01(2) by violating a law 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 violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § SPS 35.01(2) by failing to report his convictions to the Department within 48 hours after the judgment of conviction.

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

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the Private Security Person license of Terrion N. Kirk (license number 108-25426) is accepted.

3. Respondent shall not seek to reinstate his private security person license for a period of 5 years from the date of this Order.

4. In the event that Respondent ever seeks to reinstate his private security person license, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of the request.

5. Should Respondent seek to reinstate his private security person license, the Wisconsin Department of Safety and Professional Services may, in its sole discretion, determine whether, and under what circumstances, a license may be issued.

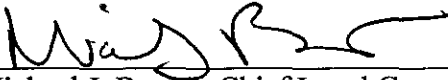
6. If Respondent ever seeks to reinstate his license or applies for any other credential regulated by this Department, then he shall pay the costs of investigating and prosecuting this matter, in the amount of \$626.00, before any such application may be considered. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent 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

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare.

8. 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

1/29/13
Date