

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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- ## FINDINGS OF FACT

4. On or about December 14, 2001 the Department notified the Applicant that his private security permit was suspended for his failure to comply with the terms of the Order granting his conditional permit.
5. The Department received a letter from the Applicant dated May 30, 2002 requesting reinstatement of his credential, informing the Department that he was enclosing the delinquent reports and that he had stopped working to go to school.
6. On or about May 30, 2002 the Department notified the Applicant that he would be receiving a Limited Private Security Person License. The Applicant was again required to submit quarterly work reports to the Department.
7. Around September 2003, Applicant submitted a letter to the Department requesting full licensure. The Department responded by letter dated October 7, 2003 denying the request because Applicant had failed to provide the required work reports.
8. As of August 2004, Applicant failed to submit the required reports, and his credential expired.
9. On or about November 17, 2014, Applicant filed a new application (#521420), for a new Private Security Person credential.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter pursuant to Wis. Stat. § 440.26.
2. The facts and circumstances of the Applicant's history of non-compliance with his previous Order and limited credential requirements provide a basis for denial. Applicant by his conduct is subject to action against his license pursuant to Wis. Stat. §§ 440.26(2)(c)5. and 440.26(6)(a)4.

ORDER

NOW, THEREFORE, IT IS ORDERED that KURTIS COLBERT is GRANTED a PRIVATE SECURITY PERMIT subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Practice Limitations

1. Applicant shall show a copy of this order to his current and any future employers.

Reporting Requirements

2. It is Applicant's responsibility to arrange for his security guard supervisor(s) to provide work reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall describe the Applicant's activities and verify that he is in compliance with the laws governing the practice of a private security person and the terms of this Order.

3. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change. In addition, Applicant shall report any arrest or conviction within 48 hours of the arrest or entry of conviction.
4. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

Department Monitor

5. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817

6. Upon violation of any of the terms of this order, the Department Monitor SHALL PERMANENTLY REVOKE the Applicant's credential without further notice or hearing.

Petitions for Modification

7. Applicant may petition the Department for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. Applicant's petition must include his history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling one year of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment, and, if applicable, his treatment provider expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stats. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.
8. The Summary Suspension/Additional Discipline section of this Order (§ 10), allowing for permanent credential revocation upon any violation of this Order, Wis. Stat. ch. 440 or Wis. Admin. Code chs. 1-9 or 30-35, may NEVER BE REMOVED OR MODIFIED.

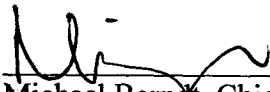
Costs

9. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Summary Suspension/Additional Discipline

10. Violation of any of the terms of this Order will be construed as conduct imperiling public health, safety and welfare and will result in PERMANENT REVOCATION of Applicant's credential. FAILURE TO COMPLY WITH ANY OF THE TERMS OF THIS ORDER OR WIS. STAT. CH 440 OR WIS. ADMIN. CODE CHS. SPS 1-9 AND 30-35 WILL RESULT IN PERMANENT CREDENTIAL REVOCATION WITHOUT FURTHER NOTICE OR HEARING. In the event that Applicant applies to the Department for re-licensure at any time in the future, the Department may enter an order denying such application without further notice or hearing.

Dated at Madison, Wisconsin this 22nd day of December, 2014.



Michael Berndt, Chief Legal Counsel
on behalf of the Department of Safety and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE LICENSE OF

KURTIS L. COLBERT
APPLICANT

FINAL DECISION AND ORDER
LS 0102221RSG

Division of Enforcement Case File No. 00 RSG 49

The parties to this action for the purposes of section 227.53 of the Wisconsin statute are:

Kurtis L. Colbert
6472 N. 107th St.
Milwaukee, WI 53224

Christopher L. Hartley
Attorney at Law
210 E. Michigan Ave. Ste. 101
Milwaukee, WI 53202

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Department. The Department has reviewed this Stipulation and considers it acceptable, and the Applicant agrees to accept issuance of his Private Security Permit subject to the terms and conditions set forth below.

Accordingly, the Department of Regulation and Licensing in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. On or about October 9, 2000, Kurtis L. Colbert (DOB 07-28-70) submitted an application for a Conditional Private Security Permit to the Wisconsin Department of Regulation and Licensing. Applicant's last known address is 6472 N. 107th St., Milwaukee, WI 53224.
2. In Applicant's application materials, he indicated "Yes" in response to the following question:

Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state, OR are criminal charges or DWI

charges currently pending against you? If YES, complete and attach Form #2252.

3. In completing Form #2252, Applicant incorrectly indicated that he had used no other name or been arrested under another name. In addition, Applicant failed to provide on this form a full and complete history of his arrests and criminal convictions.

4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

The provision of false information in an application for a private security permit constitutes a violation of sec. 440.26(6)(a)3, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that the application of Kurtis L. Colbert for a permit as a security guard is GRANTED, conditioned upon the following:

1. Applicant is REPRIMANDED for submission of an inaccurate and incomplete application.
2. Within three [3] months from the date of this Order, Applicant shall pay partial costs of this proceeding in the amount of ONE HUNDRED dollars (\$100.00). Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor.
3. Within six [6] months from the date of this order, Applicant shall submit documentation of successful completion of at least ten [10] hours of therapy, continuing education, or other training acceptable to the Department in the areas of anger and stress management. To be acceptable, the course, therapy, or training shall be approved by a member or designated agent of the Department. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Applicant verifying his attendance and completion of course and/or therapy requirements.
4. Applicant shall arrange for quarterly reports to be submitted by his work supervisor for a period of at least one [1] year from the date of this Order reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing.
5. Applicant shall report to the Department Monitor any change in employment status, change of residence address or phone number, within fifteen (15) days of any such change.

Department Monitor

6. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving payment of costs as well as coordinating all requests for approval of education or other petitions. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL: (608) 261-7938

7. If Applicant fails to successfully and timely complete all requirements set forth above, the Applicant's license shall be **SUSPENDED** without further notice or hearing until such time as the Applicant regains compliance with the requirements set forth in this Order

8. At any time following complete, successful and timely compliance with the terms of this Order for a period of one [1] year, Applicant may petition the Department to revise or eliminate any limitations in effect against his license. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a permit and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

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

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Martin A. Gump 2/22/01
On Behalf of the Department Date

NO. 1

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Department assigned as an advisor in this investigation may appear before the Department Secretary for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Kurtis L. Colbert in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

Kurtis L. Colbert
Kurtis L. Colbert

02-09-01
Date

C. L. Hartley
Christopher L. Hartley
Attorney for Applicant

2-09-01
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

2.19.01
Date

COPIES

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NOTICE OF RIGHTS OF APPEAL
TO: Christopher Hartley - Atty. for Kurtis Colbert

You have been issued an Order. For purposes of service the date of mailing of this Order is Feb. 27, 2001. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

Dept. of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935

Madison WI 53708-8935

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR
PRIVATE SECURITY PERMIT FOR

KURTIS COLBERT
APPLICANT

STIPULATION

0003608

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Safety and Professional Services as follows:


The Applicant has filed an application for a private security permit. Information received by the Department reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a private security permit subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this 18 day of Dec., 2014.

Kurtis 2. Colbert
Kurtis Colbert, Applicant

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Dated this 22nd day of December, 2014.

By: 
Michael Berndt, Chief Legal Counsel