

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
NICOLE M. BOYCE, :
RESPONDENT. : **0003808**

Division of Legal Services and Compliance Case No. 14 RSG 025

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

Nicole M. Boyce
3103 W. Wells Street
Apartment E
Milwaukee, WI 53208

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Nicole M. Boyce (dob December 16, 1983) is permitted in the State of Wisconsin as a private security person, having permit number 33770-108, first issued on July 6, 2007 and current through August 31, 2016. Nicole M. Boyce's most recent address on file with the Department is 3103 W. Wells Street, Apartment E, Milwaukee, Wisconsin 53208.

2. On May 16, 2014, Respondent was convicted of Disorderly Conduct, a Class U forfeiture, in Milwaukee County Circuit Court (Milwaukee County Circuit Court Case No. 2013CM002210) and ordered to pay a forfeiture.

3. Respondent did not report this conviction to the Department within 48 hours of the entry of the judgment.

4. On or about September 15, 2014, Respondent submitted a renewal application for her private security permit and answered "NO" to the question:

"Since the date of your last license renewal (or original application if this is your first renewal), 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?"

Since the date of your last license renewal (or original application if this is your first renewal), 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?

Since the date of your last license renewal (or original application if this is your first renewal), have you been convicted of a FELONY in this state or any other state, OR are FELONY charges currently pending against you?

If the answer to any of the three questions is yes, you must answer yes below. You may answer no only if the answer to all three questions is no."

5. 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)(a), 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 Nicole M. Boyce engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § 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 Nicole M. Boyce violated Wis. Stat. § 440.26(4m)(b) and Wis. Admin. Code § SPS 35.01(2) by failing to notify the Department of her conviction within 48 hours of the entry of the judgment of conviction.

4. By the conduct described in the Findings of Fact, Respondent Nicole M. Boyce engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § SPS 35.01(17) by providing false information in the application for a credential.

5. By the conduct described in the Findings of Fact, Respondent Nicole M. Boyce engaged in conduct reflecting adversely on professional qualifications pursuant to Wis. Admin. Code § SPS 35.01(23) by failing to cooperated in a timely manner with the Department's investigation.

6. As a result of the violations noted in the Conclusions of Law, Respondent Nicole M. Boyce is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1.-4.

ORDER

1. The attached Stipulation is accepted.

2. The private security permit issued to Respondent Nicole M. Boyce (no. 33770-108) is **SUSPENDED** for a period of five (5) business days beginning 15 days after the date of this order.

3. Within 90 days from the date of this Order, Respondent Nicole M. Boyce shall pay the **COSTS** of this matter in the amount of \$140.00.

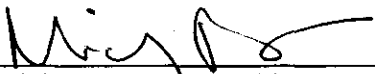
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 a summary suspension of Respondent's permit. 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 fails to timely submit payment of the costs as ordered and as set forth above, Respondent's permit (no. 33770-108) may, in the discretion of the Department, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs.

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

3/4/15

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
NICOLE M. BOYCE, :
RESPONDENT. : **0003808**

Division of Legal Services and Compliance Case No. 14 RSG 025

Respondent Nicole M. Boyce and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

Nicole M. Boyce

Nicole M. Boyce, Respondent

3103 W. Wells Street Apt. E
Milwaukee, WI 53208
Permit no. 33770-108

1945 N. 5th street
Apt #3
Milwaukee, WI 53212
414-215-3327

3/3/2015

Date

Sarah E. Norberg

Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3.4.15

Date