

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
ABM SECURITY SERVICES INC.,	:	
RESPONDENT.	:	

0004263

Division of Legal Services and Compliance Case No. 14 RAL 006

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

ABM Security Services Inc.
701 P Street Ste 302
Lincoln, NE 68508

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 ABM Security Services Inc. is licensed in the State of Wisconsin as a Private Detective Agency, having license number 16391-62, first issued on July 2, 2004 and current through August 31, 2017. ABM Security Services Inc.'s most recent address on file with the Department is 701 P Street, Ste 302, Lincoln, NE 68508.
2. On October 17, 2013, Respondent's employee, L.S., was convicted of 5th Offense OWI, a class H felony, in Waukesha County Circuit Court (Case No. 13CF0452).
3. On October 21, 2013, L.S. informed Respondent of her conviction.

4. Respondent continued to employ L.S. and assigned L.S. to perform private security personnel duties following L.S.'s felony conviction.

5. The Department denied L.S.'s credential renewal on October 3, 2014, as a result of L.S.'s felony conviction.

6. 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. An individual who has been convicted in this state or elsewhere of a felony and who has not been pardoned for that felony is not eligible for a Private Security Permit pursuant to Wis. Stat. § 440.26(2)(c)2, and Wis. Admin. Code § SPS 31.02(3)(b).

3. By the conduct described in the Findings of Fact, Respondent ABM Security Services Inc. engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § SPS 35.01(10) by employing any person who engages in any act or course of conduct for which the department may discipline a credential holder, if the employer knows or should know that the person is engaging or has engaged in the act or course of conduct.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent ABM Security Services Inc. is REPRIMANDED.

3. Within 90 days from the date of this Order, ABM Security Services Inc. shall pay COSTS of this matter in the amount of \$292.00.

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 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 fails to timely submit payment of the costs as ordered and as set forth above, Respondent's license (no. 16391-62) 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

9/25/15
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ABM SECURITY SERVICES INC.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004263

Division of Legal Services and Compliance Case No. 14 RAL 006

Respondent ABM Security Services Inc. 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 or Respondent's attorney, 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.


ABM Security Services Inc., Respondent
By: Susan Barnett
701 P Street, Ste 302
Lincoln, NE 68508
License no. 16391-62

09-15-15
Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

9/21/2015
Date