

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- 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/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)



**Before The  
State Of Wisconsin  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

In the Matter of Disciplinary Proceedings Against  
Ryan A. Sanchez, Respondent

FINAL DECISION AND ORDER

Order No. 0004630

**Division of Legal Services and Compliance Case No. 15 RAL 002**

The State of Wisconsin, Department of Safety and Professional Services, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Safety and Professional Services.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 5<sup>th</sup> day of April, 2016.

Michael J. Berndt  
Chief Legal Counsel  
Department of Safety and Professional Services



**Before The  
State Of Wisconsin  
DIVISION OF HEARINGS AND APPEALS**

---

In the Matter of Disciplinary Proceedings Against  
Ryan A. Sanchez, Respondent

DHA Case No. SPS-16-0009  
DLSC Case No. 15 RAL 002

---

**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Ryan A. Sanchez  
21507 42<sup>nd</sup> Avenue S., Apt. M6  
Seatac, WA 98198

Wisconsin Department of Safety and Professional Services  
P.O. Box 8366  
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and  
Compliance, by

Attorney Andrea E. Brauer  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

**PROCEDURAL HISTORY**

This proceeding was initiated when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a formal Complaint against Respondent Ryan A. Sanchez (Respondent), alleging that Respondent violated Wis. Admin. Code § SPS 35.01(23) by, after a request for information was made by the Department, failing to cooperate in a timely manner with the Department's investigation of a complaint filed against him. The Division served Respondent on January 22, 2016 by sending a copy of the Notice of Hearing and Complaint to his last known address on file with the Department, which was 119 Chafee Road, Apartment 206, Oconomowoc, Wisconsin 53066. On February 11, 2016, the Administrative Law Judge (ALJ) sent a Notice of Telephone Prehearing Conference, which

scheduled a prehearing conference for February 17, 2016, to the Division and to Respondent at the Chaffee Road address.

The post office returned the Notice of Hearing and Complaint to the Division and also returned the Notice of Telephone Prehearing Conference to the ALJ noting a new address for Respondent, which was 21507 42nd Avenue S, Apartment M6, Seatac, Washington 98198. On February 15, 2016, the Division served Respondent at this new address by sending a copy of the Notice of Hearing and Complaint to the new address. On February 15, 2016, the ALJ sent a Notice of Rescheduled Telephone Prehearing Conference, which rescheduled the prehearing conference to March 7, 2016, to the Division and to Respondent at the new address. Respondent failed to file an Answer to the Complaint, as required by Wis. Admin. Code § SPS 2.09, and failed to appear at the telephone prehearing conference on March 7, 2016.

At the prehearing conference, the Division moved for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c). In light of Respondent's failure to file an Answer to the Complaint and failure to appear at the prehearing conference, the ALJ found Respondent to be in default. On March 7, 2016, the ALJ issued a Notice of Default and Order against Respondent. Consistent with the Notice of Default and Order issued by the ALJ, the Division timely filed a recommended proposed decision and order in this matter.

### FINDINGS OF FACT

#### Facts Related to the Alleged Violations

Findings of Fact 1-11 are taken from the Division's Complaint against Respondent filed in this matter.

1. Respondent Ryan A. Sanchez is licensed in the State of Wisconsin as a private detective, having license number 12024-63, first issued on October 10, 2012 and current through August 31, 2016.

2. Respondent's most recent address on file with the Department is 119 Chaffee Road, Apartment 206, Oconomowoc, Wisconsin 53066.

3. On or about April 30, 2015, the Department received a complaint from a consumer alleging he had paid Respondent \$700 to perform investigative services but that Respondent had not performed the services and would not respond to inquiries about the status of the investigation.

4. On May 22, 2015, Division of Legal Services and Compliance Case Number 15 RAL 002 was opened for investigation.

5. On August 18, 2015, August 20, 2015, September 6, 2015, and September 16, 2015, an investigator for the Department called Respondent at his telephone number on file with the Department for the purpose of investigating the complaint filed against Respondent.

6. Respondent did not answer any of the Department investigator's phone calls.

7. During each phone call, the Department investigator left a voicemail explaining he was investigating a complaint filed against Respondent and requesting Respondent contact him to discuss the matter.

8. Respondent did not return any of the Department investigator's phone calls.

9. On August 20, 2015, the Department investigator sent an email to Respondent at Respondent's email address on file with the Department.

10. The Department investigator's email stated he was investigating a complaint filed against Respondent and requested Respondent contact him at Respondent's earliest convenience to discuss the matter.

11. Respondent did not respond to the Department investigator's email.

#### Facts Related to Default

12. The Complaint and Notice of Hearing in this matter were served on Respondent on January 22, 2016, to his last known address on file with the Department, which was 119 Chafee Road, Apartment 206, Oconomowoc, Wisconsin 53066, by both certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08. The Notice of Hearing instructed Respondent: "If you do not provide a proper Answer within 20 days, you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence. In addition, the Department may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing."

13. Respondent failed to file an Answer as required by Wis. Admin. Code § SPS 2.09(4).13.

14. Following expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for February 17, 2016. On February 11, 2016, the ALJ sent a Notice of Telephone Prehearing Conference to the Division and to Respondent at his last known address on file with the Department, which was 119 Chafee Road, Apartment 206, Oconomowoc, Wisconsin 53066. The notice included instructions that Respondent provide the telephone number at which he could be reached for the conference to the ALJ no later than March 2, 2016. The Notice further instructed Respondent: "The Respondent's failure to appear at the scheduled conference or hearing may result in default judgment being entered against the Respondent."

15. The post office returned the Notice of Hearing and Complaint to the Division and also returned the Notice of Telephone Prehearing Conference to the ALJ noting a new address for Respondent, which was 21507 42nd Avenue S, Apartment M6, Seatac, Washington 98198.

16. On February 15, 2016, the Division again served the Complaint and Notice of Hearing on Respondent to 21507 42nd Avenue S, Apartment M6, Seatac, Washington 98198, by both certified and regular mail, consistent with Wis. Admin. Code § SPS 2.08.

17. Respondent failed to file an Answer as required by Wis. Admin. Code § SPS 2.09(4).

18. On February 15, 2016, the ALJ sent a Notice of Rescheduled Telephone Prehearing Conference, which rescheduled the prehearing conference to March 7, 2016, to the Division and to Respondent at 21507 42nd Avenue S, Apartment M6, Seatac, Washington 98198. This Notice required Respondent to provide to the ALJ at telephone number at which he could be reached for the conference no later than March 2, 2016.

19. Respondent failed to provide a telephone number and could not be reached for the prehearing conference on March 7, 2016.

20. At the March 7, 2016 prehearing conference, the Division moved for default pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c).

21. On March 7, 2016, the ALJ issued a Notice of Default and Order, which ordered the Division to file and serve no later than March 28, 2016 a recommended proposed decision and order.

22. The Division timely filed its recommended proposed decision and order.

23. Respondent did not file a response to the Notice of Default or to the Division's submission.

### DISCUSSION AND CONCLUSIONS OF LAW

#### Default

As stated in the March 7, 2016 Notice of Default and Order, Respondent is in default for failing to file an Answer to the Complaint and failing to appear at the prehearing conference held on March 7, 2016. *See* Wis. Admin. Code §§ SPS § 2.09(4) and 2.14; Wis. Admin. Code § HA 1.07(3). Accordingly, an order may be entered against Respondent on the basis of the Complaint and other evidence. *See* Wis. Admin. Code § SPS 2.14; Wis. Admin. Code § HA 1.07(3).

#### Violation of Wis. Admin. Code § SPS 35.01(23)

If the Department finds that the holder of a private detective license has engaged in "conduct reflecting adversely on his or her professional qualification," the Department may reprimand the licensee or may revoke, suspend or limit that person's license. Wis. Stat. § 440.26(6). Wisconsin Admin. Code § SPS 35.01(23) likewise permits such discipline and defines "conduct reflecting adversely on professional qualification" to include "[a]fter a request by the department, failing to cooperate in a timely manner with the department's investigation of

a complaint filed against the credential holder.” Further, under this rule, there is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the department has not acted in a timely manner.

The undisputed facts establish that on or about April 30, 2015, the Department received a complaint from a consumer who alleged that he had paid Respondent \$700 to perform investigative services but that Respondent had not performed the services and would not respond to inquiries about the status of the investigation. The Department contacted Respondent multiple times requesting a response to the complaint. Telephone calls were made to Respondent’s telephone number on file with the Department on August 18, August 20, September 6 and September 16, 2015, and an email was sent to Respondent’s email address on file with the Department on August 20, 2015. Respondent failed to respond to all of the Department’s requests for information.

Based on the foregoing, Respondent engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § SPS 35.01(23) by, after a request by the Department, failing to cooperate in a timely manner with the Department’s investigation of a complaint filed against Respondent. As a result of this conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)2.

#### Appropriate Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division recommends that Respondent’s private detective license be revoked. This recommendation appropriately serves the purposes of discipline and is adopted in this case.

It is well-established that the purpose of licensing statutes is to protect the public by ensuring licensees possess a minimal level of professional competence. *Stringez v. Dep’t of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 286–87, 307 N.W.2d 664 (1981). The license allows the public to trust that the individual is subject to rules and requirements that guarantee competence and accountability for substandard practice or misdeeds. *Id.* As such, when the Department cannot assure the public of the licensee’s competence to practice his profession, revocation is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189–90, 349 N.W.2d 68 (1984).

The conduct alleged in the consumer complaint in this case is very serious. Respondent’s client alleged he paid Respondent \$700 to perform investigative services, and Respondent accepted the payment but failed to perform the investigative services or refund the payment. If the allegations are true, Respondent engaged in highly unethical conduct in his private detective practice. Respondent’s refusal to respond to the Department’s request for information renders the Department unable to adequately investigate the complaint and consequently strips the Department of its ability to assure the public that Respondent is practicing ethically and

competently. Therefore, revocation of Respondent's license is necessary to protect the public from other instances of misconduct by Respondent.

Further, rehabilitation is not likely, as Respondent refuses to submit to the authority of the Department which granted his license. The Division offered him repeated opportunities to comply with its investigation on behalf of the Department. Having obtained no information from Respondent, the Department cannot even determine what competency or ethical issues may exist and therefore cannot ascertain what other rehabilitative measures might be effective.

Revocation of Respondent's license will also serve to deter other licensees from believing they might escape disciplinary action by merely ignoring the Department's attempts to investigate a complaint. To allow licensees to impede the Department's investigations by failing to respond would undermine the purpose of the licensing statutes.

In light of the facts of this case, revocation of Respondent's license is warranted.

### Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. Factors which may be considered in assessing costs are: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a "program revenue" agency, whose operating costs are funded by the revenue received from licenses, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of the licensees who have not engaged in misconduct; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz, D.C.*, LS0802183CHI (Aug. 14, 2008).

The Division requests that Respondent be ordered to pay the full costs of this investigation and of these proceedings. This recommendation is appropriate.

The Division has proven all counts charged. By refusing to cooperate with the Department's attempt to investigate a complaint against him, Respondent has committed a serious violation which presents a troubling public safety concern for which the Division seeks revocation of Respondent's license. Respondent has also not cooperated with the investigation or participated in these proceedings. As such, fairness weighs heavily in requiring Respondent to pay the costs of this proceeding which resulted in significant discipline, rather than spreading the costs among all private detective licensees in Wisconsin. Finally, Respondent made no argument concerning whether costs should be assessed against him. When Respondent fails to argue a position, the Division is not obliged to make the argument for him.

Based on the factors delineated in the *Buenzli-Fritz* decision and the facts of this case, Respondent is assessed the full amount of recoverable costs in this case in an amount to be determined under Wis. Admin. Code § SPS 2.18.



ORDER

Accordingly, IT IS HEREBY ORDERED that Respondent Ryan A. Sanchez's private detective license (number 12024-63) is REVOKED, effective on the date the final decision is signed by the Department.

IT IS FURTHER ORDERED that should Respondent ever apply for a credential with the Department in the future, Respondent shall pay all recoverable costs in this matter in an amount be established, pursuant to Wis. Admin. Code § SPS 2.18, prior to the Department's consideration of any such application.

Dated at Madison, Wisconsin on March 17, 2016.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
5005 University Avenue, Suite 201  
Madison, Wisconsin 53705  
Tel. (608) 266-7709  
Fax (608) 264-9885

By: \_\_\_\_\_

Jennifer E. Nashold  
Administrative Law Judge