

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
MIGUEL A. DIAZ AND :
WISCONSIN PUBLIC SAFETY AGENCY, :
RESPONDENTS. :

0005539

Division of Legal Services and Compliance Case No. 16 RSG 007

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

Miguel A. Diaz
2060 S. 18th St.
Milwaukee, WI 53204

Wisconsin Public Safety Agency
2060 S. 18th St.
Milwaukee, WI 53204

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 Miguel A. Diaz (DOB June 2, 1986) is permitted by the State of Wisconsin as a private security person, having permit number 34812-108, first issued on

December 3, 2007 and current through August 31, 2018. Respondent Diaz's most recent address on file with the Department is 2060 South 18th Street, Milwaukee, Wisconsin 53204.

2. Respondent Wisconsin Public Safety Agency is licensed by the State of Wisconsin as a private detective agency, having license number 17113-62, first issued on April 14, 2015 and current through August 31, 2019. Respondent Wisconsin Public Safety Agency's most recent address on file with the Department is 2060 South 18th Street, Milwaukee, Wisconsin 53204.

3. Respondent Diaz is identified in Department records as the owner of Respondent Wisconsin Public Safety Agency.

4. On August 8, 2016, the Department received a complaint alleging that an employee of Respondents, D.C., had engaged in an altercation with another subject which resulted in damage to the complainant's car. Division of Legal Services and Compliance Case Number 16 RSG 007 was subsequently opened for investigation.

5. On December 27, 2016, the Department sent an email to Respondents' email address of record requesting a response to the complaint.

6. No response was received from Respondents.

7. On December 27, 2016, the Department left a voice mail message at Respondents' telephone number of record requesting Respondents contact the Department regarding the complaint.

8. No response was received from Respondents.

9. On February 21, 2017, the Department sent a certified letter to Respondent Diaz's address of record requesting a response to the complaint.

10. On February 21, 2017, the Department sent a certified letter to Respondent Wisconsin Public Safety Agency's address of record requesting a response to the complaint.

11. On March 20, 2017, the February 21, 2017 certified letter sent to Respondent Wisconsin Public Safety Agency was returned to the Department by the post office marked return to sender, unclaimed.

12. On March 29, 2017, the February 21, 2017 certified letter sent to Respondent Diaz was returned to the Department by the post office marked return to sender, unable to forward.

13. On March 30, 2017, the Department left a voice mail message at Respondents' telephone number of record requesting Respondents contact the Department regarding the complaint.

14. No response was received from Respondents.

15. In resolution of this matter, Respondents consent 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, Respondents engaged in conduct reflecting adversely on their professional qualifications pursuant to Wis. Admin. Code § SPS 35.01(23) by failing to cooperate in a timely manner with the Department's investigation of a complaint filed against the credential holders.

3. As a result of the above violation, Miguel A. Diaz and Wisconsin Public Safety Agency are 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 Miguel A. Diaz is REPRIMANDED.
3. Respondent Wisconsin Public Safety Agency is REPRIMANDED.
4. Within ninety (90) days from the date of this Order, Respondent Miguel A. Diaz shall pay one-half of the COSTS of this matter in the amount of \$569.
5. Within ninety (90) days from the date of this Order, Respondent Wisconsin Public Safety Agency shall pay one-half of the COSTS of this matter in the amount of \$569.
6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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
DPSMonitoring@wisconsin.gov

7. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 34812-108 and 17113-62), or Respondents' right to renew their credentials, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Department may, in addition

and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

8. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On Behalf of the Department

12-8-2017
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
MIGUEL A. DIAZ AND :
WISCONSIN PUBLIC SAFETY AGENCY, :
RESPONDENTS. : 0005539

Division of Legal Services and Compliance Case No. 16 RSG 007

Respondents Miguel A. Diaz and Wisconsin Public Safety Agency and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

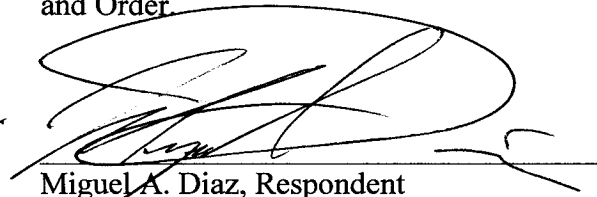
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:
 - the right to a hearing on the allegations against Respondents, 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 Respondents;
 - the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
 - the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondents agree 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. Respondents waive 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 Respondents, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

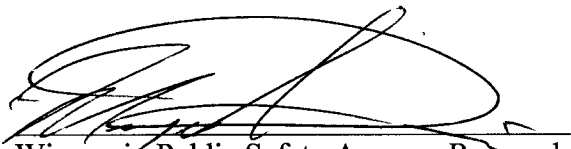
7. Respondents are informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



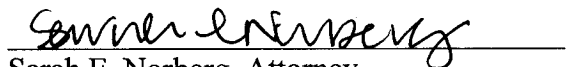
Miguel A. Diaz, Respondent
2060 S. 18th St.
Milwaukee, WI 53204
Permit no. 34812-108

11-26-17
Date



Wisconsin Public Safety Agency, Respondent
By: Miguel A. Diaz
2060 S. 18th St.
Milwaukee, WI 53204
License no. 17113-62

11-26-17
Date



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

11-30-17
Date