

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 AN APPLICATION FOR A
PRIVATE SECURITY PERSON PERMIT FOR

BRYON COWELL,
APPLICANT.

0005677
ORDER GRANTING
LIMITED LICENSE

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

Bryon Cowell
135 North Jamison Street
Westgate, IA 50681

Department of Safety and Professional Services
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

FINDINGS OF FACT

- I. BRYON COWELL (Applicant) has filed an application (# 632223) for a permit to practice as a Private Security Person in Wisconsin.
- II. Information received in the application process reflects that the Applicant has a criminal history that includes the following convictions:
 - a) On or about June 26, 1993 – Operating While Intoxicated, First Offense, a misdemeanor, in Iowa.
 - b) On or about March 3, 1998 – Operating While Intoxicated, Second Offense, a misdemeanor, in Iowa.
 - c) On or about August 30, 2001 – Simple Domestic Assault, a misdemeanor, in Iowa.
- III. The Applicant has been convicted of a misdemeanor crime of domestic violence and, therefore, is permanently prohibited from possessing a firearm, per 18 U.S.C. § 922(g)(9), unless the conviction falls under 18 U.S.C. § 921(a)(33)(B)(ii).

CONCLUSIONS OF LAW

- I. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter and is authorized to enter into the attached Stipulation, pursuant to Wis. Stat. §§ 227.44(5) and 440.26.

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- II. The facts and circumstances of the conviction(s) referenced above substantially relate to the practice of a Private Security Person.
 - III. Applicant is permanently banned from possessing a firearm, per 18 U.S.C. § 922(g)(9), as the conviction does not fall under 18 U.S.C. § 921(a)(33)(B)(ii).
 - IV. Applicant by his conduct, is subject to action against his license, pursuant to Wis. Stat. §§ 111.335(1)(c)1. and 440.26, Wis. Admin. Code chs. SPS 31 and 35, and 18 U.S.C. § 922(g)(9).

ORDER

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

Practice Limitations

- A.1 Applicant shall show a copy of this Order to his current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.

Reporting Requirements

- A.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, beginning 90 days from the date of this Order. 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.
- A.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.
- A.4 Applicant is responsible for compliance with all 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

- A.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
dpsmonitoring@wi.gov

Firearms Ban

- A.6 Applicant shall not apply for a Firearms Permit with the Department.
- A.7 Applicant shall not apply for employment in any position that might require or allow him to work in an armed capacity.
- A.8 The firearm ban is permanent and may not be modified while the limited license is in effect or at any time thereafter, unless the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, under 18 U.S.C. § 921(a)(33)(B)(ii).

Petitions for Modification

- A.9 Applicant may petition the Department for modification of the terms of this Order after completion of one (1) year of practice in compliance with all terms and conditions of this Order. The firearms ban is permanent and may not be modified while the limited license is in effect or at any time thereafter, unless the conviction falls under 18 U.S.C. § 921(33)(B)(ii). Applicant's petition must include the Applicant's 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 (1) 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. Stat. §§ 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.

Costs

- A.10 Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

A.11 If Applicant violates any term of this Order, Applicant's credential may, in the discretion of the Department or its designee, be **SUSPENDED**, without further notice or hearing, until Applicant has 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.

Dated at Madison, Wisconsin this 22 day of March, 2018



Aloysius Rohmeyer, Chief Legal Counsel

On behalf of the Department of Safety and Professional Services

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF AN APPLICATION FOR A
PRIVATE SECURITY PERSON PERMIT FOR

0005677

BRYON COWELL,
APPLICANT.

STIPULATION

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

- I. The Applicant has filed an application for a Private Security Person Permit.
- II. Information received by the Department reflects a basis for denial of your application.
- III. 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 Person, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - a) the right to request a hearing related to the denial of the application;
 - b) assuming a hearing takes place wherein the State has the burden of proof by a preponderance of the evidence:
 - i. the right to confront and cross-examine the witnesses against Applicant;
 - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - iii. the right to testify on Applicant's own behalf;
 - iv. 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;
 - v. the right to petition for rehearing; and
 - c) all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Department. The parties to the Stipulation consent to the entry of the attached

Order Granting Limited License without further notice, appearance, or consent of the parties.

VII. Applicant waives all rights to any appeal of the Department's Order, as adopted in the form as attached.

VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.



Bryon Cowell, Applicant
135 N JAMISON ST
WESTGATE IA 50681
Application ID #632223

3-21-18
Date



Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
1400 EAST WASHINGTON AVENUE
P.O. BOX 7190
MADISON WI 53707-7190

3/22/18
Date