

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscca>

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STATE OF WISCONSIN
BEFORE THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES

| | | |
|------------------------------------|---|-----------------|
| IN THE MATTER OF APPLICATION | : | |
| PRIVATE SECURITY PERSON PERMIT FOR | : | |
| | : | ORDER GRANTING |
| ASHLEY SHACKELFORD, | : | LIMITED LICENSE |
| APPLICANT. | : | |

ORDER 0006895

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

Ashley Shackelford
Milwaukee WI 53026

Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935

FINDINGS OF FACT

1. On or about March 11, 2020, Applicant Ashley Shackelford (Applicant) submitted an application for a Wisconsin Private Security Person permit (# 713824).
2. Information received in the application process establishes that Applicant has the following violation:
 - A. On or about June 21, 2018 – Disorderly Conduct, an ordinance violation. The facts and circumstances of this violation include but are not limited to the following:
 - i. Applicant knocked over merchandise at a retail store after Applicant's sisters were accused of stealing by a loss prevention officer. Applicant and her sisters then fled the scene in Applicant's vehicle. The Police Report indicates that when asked why she was upset about being accused of stealing, given the presence of stolen goods in the vehicle, Applicant stated she did not want to get caught.
3. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. Pursuant to Wis. Stat. § 440.26(5m)(am), the department may refuse to issue a private security permit to a person who has been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322, and 111.335.

3. Pursuant to Wis. Admin. Code § SPS 31.05(1)(e), an application for a credential may be denied if the applicant's conduct is a ground for discipline of a credential holder under s. SPS 35.01. Grounds for discipline include violating any law, the circumstances of which substantially relate to the practice of a Private Security Person. *See* Wis. Admin. Code § SPS 35.01(2).

4. Pursuant to Wis. Stat. § 111.335(3)(a)1, it is not employment discrimination because of conviction record to refuse to license any individual if the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.

5. The facts and circumstances of the violation referenced above substantially relate to the practice of a Private Security Person. A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Indus. Review Comm’n*, 139 Wis. 2d 805,824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

6. Private Security Persons are responsible for abiding by and upholding laws and rules and protecting the public and/or private persons or property. Applicant’s violation demonstrates a disregard for abiding by and upholding rules and protecting private property.

7. As a result of the conclusions stated above, Applicant’s credential is subject to limitations to ensure she is safe to practice as a Private Security Person.

ORDER

1. The attached Stipulation is accepted.

2. Effective the date of this Order, Applicant Ashley Shackelford is GRANTED a Private Security Person permit subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

A. Practice Limitations

- i. Applicant shall show a copy of this Order to her current and any future employer(s). 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.

- ii. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within forty eight (48) hours of any such event, including any convictions resulting from pending charges.

B. Reporting Requirements

- i. Applicant shall arrange for written reports from her Private Security Person supervisor(s) to be provided to the Department Monitor on a quarterly basis, beginning ninety (90) days from the date of this Order. These reports shall describe the circumstances of Applicant's employment, assess her work performance and verify that she is in compliance with the laws governing the practice of a Private Security Person and the terms of this Order.
- ii. Applicant is responsible for compliance with all of 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.

C. Department Monitor

- i. 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
4822 Madison Yards Way, P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dspsmonitoring@wi.gov

You may also submit this information online via the Department's Monitoring Case Management System at:
<https://app.wi.gov/DSPSMonitoring>.

D. Petitions for Modification

- i. Applicant may petition the Department for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the

terms of the Order for at least one (1) year. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Department or its designee. Applicant's petition must include her 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. 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.

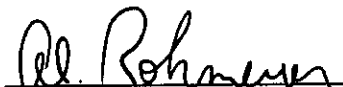
E. Costs

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

F. Suspension

- i. 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 15th day of July, 2020.


Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department of Safety
and Professional Services

STATE OF WISCONSIN
BEFORE THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES

IN THE MATTER OF APPLICATION FOR :
PRIVATE SECURITY PERSON PERMIT FOR :
ASHLEY SHACKELFORD, :
APPLICANT. :

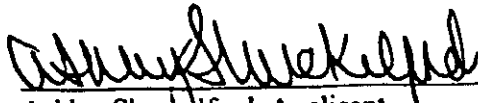
STIPULATION


ORDER 0006895

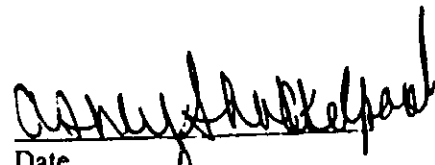
Applicant Ashley Shackelford and the State of Wisconsin Department of Safety and Professional Services (Department) stipulate as follows:

1. Applicant filed an application for a Private Security Person permit.
2. Information received by the Department reflects a basis for denial of Applicant's application.
3. Based upon the information of record, the Department agrees to issue, and Applicant agrees to accept, an Order Granting a Limited License for a Private Security Person permit, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - the right to request a hearing related to the denial of the application;
 - the right to confront and cross-examine the witnesses against Applicant;
 - the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - the right to testify on Applicant'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 Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
5. 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.
6. 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, pleading, appearance, or consent of the parties.

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


Ashley Shackelford, Applicant
Milwaukee WI 53026
License no. 719824


Aloysius Rohmeyer, Chief Legal Counsel
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 8935
Madison, WI 53708-8935


Date
07/12/20

07/15/2020
Date