

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/wscca>

- 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

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CALVIN J. CRUZ,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0007138

Division of Legal Services and Compliance Case No. 19 RSG 009

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

Calvin J. Cruz
Mukwonago, WI 53149

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

Division of Legal Services and Compliance
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 in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Calvin J. Cruz (Birth Year 1995) is permitted by the State of Wisconsin as a private security person, having permit number 50650-108, first issued on August 27, 2014 and expired as of September 1, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Mukwonago, Wisconsin 53149.

2. On December 19, 2019, the Department received a self-reported complaint from Respondent stating that he had been convicted of a felony. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 RSG 009 for investigation.

3. On July 11, 2019 at 1:31 am, Respondent was traveling by motorcycle and was tailed by an officer in a marked police vehicle. The officer used his lights to attempt to stop Respondent after he drove approximately 30 miles per hour over the speed limit. Respondent

failed to stop, and fled the scene after a brief chase. Respondent was later contacted by officers and was charged with violating Wis. Stat. § 346.04(3) Vehicle Operator Flee/Elude Officer.

4. On December 18, 2019, Respondent was convicted of a felony in Waukesha County Circuit Court Case Number 19CF987 as a result of the incident of July 11, 2019. Respondent pled no contest to Wis. Stat. § 346.04(3) Vehicle Operator Flee/Elude Officer, a Class I felony.

5. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew his private security person permit until August 31, 2025.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(2)(c)2. by being convicted of a felony.

4. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1., 2., and 4. and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Calvin J. Cruz's private security person permit (number 50650-108) is ACCEPTED.

3. This surrender constitutes Respondent Calvin J. Cruz's permanent relinquishment of his private security person permit and his right to practice as a private security person in the state of Wisconsin. The Department will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice as a private security person in the state of Wisconsin. Except in the event of the following:

- a. Respondent is granted a full pardon by the Wisconsin Governor for the conviction described in Findings of Fact paragraph number 4, Respondent shall be allowed to submit an application or renewal application for a private security person permit, and the Department shall consider such an application and whether Respondent qualifies for reinstatement of his credential to practice private security in Wisconsin. The Department may determine whether and under what terms and conditions such reinstatement may be granted.

b. Respondent shall pay the COSTS of this matter in the amount of \$724.00, before any such application may be considered.

4. Any petition to the Board and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by: Al. Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On Behalf of the Department

1/3/2021
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CALVIN J. CRUZ,
RESPONDENT.

STIPULATION

ORDER 0007138

Division of Legal Services and Compliance Case No. 19 RSG 009

Respondent Calvin J. Cruz 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 and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

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 the Department adopt this Stipulation and issue the attached Final Decision and Order.



Calvin J. Cruz, Respondent
Mukwonago, WI 53149
Credential No. 50650-108

10/18/2020
Date

Renee M. Parton

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

11/19/2020
Date