

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

IN THE MATTER OF PRIVATE SECURITY :
PERSON PERMIT RENEWAL APPLICATION :
FOR :

ORDER GRANTING
LIMITED LICENSE

ERIC DOYKA,
APPLICANT.

ORDER 0007235

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

Eric Doyka
Kronenwetter, WI 54455

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application. The Wisconsin Department of Safety and Professional Services (Department) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Applicant Eric Doyka submitted an application to renew his Private Security Person permit (#56912-108) on or about August 27, 2020.
2. Information received in the application process establishes that Applicant has the following conviction:
 - a. On or about August 29, 2019 – Disorderly Conduct, a misdemeanor conviction.
3. The facts and circumstances of Applicant's August 29, 2019 Disorderly Conduct conviction include but are not limited to the following:
 - a. On March 13, 2019, a Kronenwetter police officer responded to a complaint from an individual, "WL", who was married to Applicant at the time. WL indicated she was fearful of going home because Applicant, with whom she resided, would "get

mad and throw things.” WL further indicated that Applicant had caused damage to the walls in their home as he had punched a wall and opened a door into a wall because of them arguing. WL also indicated that several weeks prior, Applicant had ripped up her passport and taken her Taiwanese identification. WL told an officer she was fearful of Applicant.

4. Applicant did not report the Disorderly Conduct conviction to the Department within forty-eight (48) hours as required under Wis. Admin. Code § SPS 35.01(2).

5. 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. §§ 440.08(4) and 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) and 440.26(6)(a)(1) and Wis. Admin. Code § SPS 35.01(2), the Department may refuse to issue a Private Security Person permit, or may revoke, suspend or limit the permit of 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. Under Wis. Stat. § 111.335(3)(a)1, it is not employment discrimination because of conviction record to refuse to license, or to bar or terminate from licensing, any individual who has been convicted of any misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.

3. Pursuant to Wis. Stat. § 440.26(6)(a)(4) and Wis. Admin. Code § SPS 31.05(1)(e), the Department may deny an application, or may revoke, suspend, or limit the private security permit of a person who has violated a Department rule or whose conduct is a ground for discipline under Wis. Admin. Code § SPS 35.01. Wis. Admin. Code § SPS 35.01(2) provides that a Private Security Person who has been convicted of a felony, misdemeanor, or ordinance violation shall send to the Department, within 48 hours after the judgment of conviction, a copy of the complaint or other information which describes the nature of the offense and the judgment.

4. The facts and circumstances of Applicant’s Disorderly Conduct conviction 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.*

5. Private Security Persons are responsible for upholding laws and rules and protecting the security of private persons, the public and/or private property. The facts and circumstances of Applicant’s Disorderly Conduct conviction involved behavior which would reasonably cause WL

to have security concerns, and which is antithetical to how a Private Security Person should act. These circumstances substantially relate to the licensed profession.

6. As a result of the conclusions stated above, Applicant's Private Security Person credential renewal application is subject to denial, pursuant to Wis. Stat. §§ 440.08(4), 440.26(5m)(am) and 440.26(6)(a)(1) & (4) and Wis. Admin. Code §§ SPS 31.05(1)(e) and SPS 35.01(2).

ORDER

1. The attached Stipulation is accepted.
2. Applicant Eric Doyka's Private Security Person permit (#56912-108) is hereby LIMITED and subject to the following limitations, terms, and conditions from the date of this Order.

a. For a period of two (2) years from the date of this Order:

i. Practice Limitations

1. Applicant shall show a copy of this Order to his current and any future Private Security Person 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.
2. 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.

ii. Reporting Requirements

1. Applicant shall arrange for written reports from his 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 work performance and verify that he is in compliance with the laws governing the practice of a Private Security Person and the terms of this Order.

2. 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.

iii. Department Monitor

1. 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

Information may also be submitted online via the Department's
Monitoring Case Management System at:
<https://app.wi.gov/DSPSMonitoring>.

B. 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. Applicant's petition must include his 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.

C. Costs

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

D. 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 Department's Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 10 day of February, 2021.



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
PRIVATE SECURITY PERSON PERMIT
RENEWAL APPLICATION FOR

ERIC DOYKA,
APPLICANT.

STIPULATION

ORDER 0007235

Applicant Eric Doyka and the Wisconsin Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a review of Applicant's renewal application for a Private Security Person permit (#56912-108). Applicant consents to the issuance of the Order attached as resolution of that application.

2. Information received by the Department reflects a basis for denial of Applicant's renewal application.

3. Based upon the information of record herein, the Department agrees to issue and Applicant agrees to accept an Order Granting a Limited License for renewal of a Private Security Person credential, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.

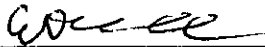
4. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:

- the right to a hearing on the conduct allegations against Applicant, related to the denial of the renewal application, 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 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. Applicant waives all rights to any appeal of the Department's order, if adopted in the form as attached.

7. Applicant is informed that should the Department adopt this Stipulation, the Department's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.



Eric Doyka, Applicant
Kronenwetter, WI 54455
Permit #56912-108

2/6/2021

Date



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

February 10, 2021

Date