

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 CREDENTIAL RENEWAL
APPLICATION FOR

:
:
:
:
:
:

ORDER GRANTING
LIMITED LICENSE

GREGORY HIRSCH,
APPLICANT.

ORDER 0007237

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

Gregory Hirsch, Private Security Person
Waunakee, WI 53597

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 Gregory Hirsch filed an application to renew his Private Security Person Permit (#55058-108) on or about August 18, 2020.
2. Information received in the application process establishes that Applicant has the following conviction:
 - a. On or about January 23, 2020 – OWI (3rd) [346.65(2)(g)1 Alcohol Fine Enhancer], a misdemeanor conviction.
 - i. The facts and circumstances of this conviction include but are not limited to the following. On or about June 19, 2019, a law enforcement officer observed Applicant drive through a pedestrian crosswalk while pedestrians were crossing and the crosswalk sign was activated. A traffic stop was conducted, followed by Standardized Field Sobriety Testing in which Applicant showed signs of

impairment. Applicant's Preliminary Breath Test showed a value of .15 and a test after booking showed a value of .17. An ordered Assessment and Driver Safety Plan Report dated September 6, 2019 showed a finding of Alcohol Dependency.

3. Applicant did not report the OWI (3rd) conviction to the Department within 48 hours as required under Wis. Admin. Code § SPS 35.01(2).

4. 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 felony, 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 finding that the person committed the violation, a copy of the complaint or other information which describes the nature of the crime and the judgment.

4. The facts and circumstances of Applicant's conviction 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.*

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 OWI (3rd) [346.65(2)(g)1 Alcohol Fine Enhancer] conviction under Wis. Stat. § 346.63(1)(a) substantially relate to the responsibility of a Private Security Person to protect the security of private persons and the public.

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), 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 GREGORY HIRSCH's Private Security Person permit (#55058-108) is hereby LIMITED and subject to the following limitations, terms, and conditions from the date of this Order.

A. Practice Limitations

- i. Applicant shall show a copy of this Order to his 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 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.
- 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

Information may also be submitted 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. 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.

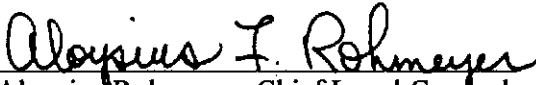
E. Costs

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

Dated at Madison, Wisconsin this 25th 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 CREDENTIAL :
RENEWAL APPLICATION FOR :

GREGORY HIRSCH,
APPLICANT.

STIPULATION

ORDER 0007237

~~ORDER 0007237~~

Applicant GREGORY HIRSCH, Private Security Person, and the Wisconsin Department of Safety and Professional Services (Department) 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. 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 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:

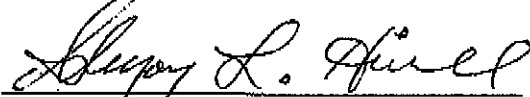
- the right to a hearing on the conduct allegations against Applicant, related to the denial of the renewal application, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Applicant;
- 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.

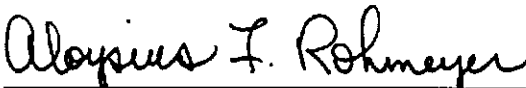
7. Applicant waives all rights to any appeal of the Department's order, if adopted in the form as attached.

8. 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.



Gregory Hirsch, Private Security Person
Waunakee, WI 53597
Permit #55058-108

19/FEB/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

02/25/2021
Date