

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

RAVEN JOHNSON,
APPLICANT.

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ORDER GRANTING
LIMITED LICENSE

ORDER 0007354

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

Raven Johnson
Milwaukee WI 53222

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 Raven Johnson filed an application to renew her Private Security Person permit (#61241-108) on or about August 16, 2020.
2. Information received in the application process establishes that Applicant has the following conviction:
 - a. On or about November 25, 2019 – Theft-Movable Property <= 2,500, a misdemeanor conviction.
3. The facts and circumstances of Applicant's theft conviction include but are not limited to the following:
 - a. On September 25, 2018, officers were dispatched to a Walmart store, where it was reported that Applicant, a Walmart employee, had taken a total of \$605.03 from the register without permission between September 11 and September 22, 2018. Applicant was observed on surveillance video taking the money and concealing it.

- b. Applicant was in an abusive relationship with the father of her child, who directed her to steal the money. Applicant indicated she would have been in bodily danger had she not committed the crime. Applicant explained these circumstances to the judge.
 - c. Applicant was sentenced to pay fines and costs, with a provision that expungement would be granted if Applicant had no new contacts with law enforcement for 12 months and paid the amount owed. On April 30, 2020, the record of conviction was expunged.
4. Applicant did not report the November 25, 2019 theft 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 § 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 the person committed the offense, 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 theft 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 maintaining order, upholding rules, and protecting the security of private persons, the public and/or private property. The facts and circumstances of the theft conviction involved Applicant stealing a significant amount of money while working as a cashier; these circumstances substantially relate to the licensed profession and the duty to protect private property.

6. Applicant failed to report the November 25, 2019 theft conviction to the Department within forty-eight (48) hours, in violation of Wis. Admin. Code § SPS 35.01(2).

7. As a result of the conclusions stated above, Applicant's Private Security Person permit 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 Raven Johnson's Private Security Person credential (#61241-108) 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 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. 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
dpsmonitoring@wi.gov

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

C. 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 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.

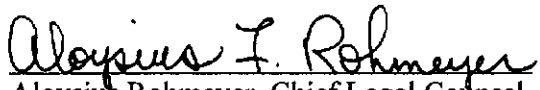
D. Costs

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

E. 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 26th day of April, 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

RAVEN JOHNSON,
APPLICANT.

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STIPULATION

ORDER 0007354

Applicant Raven Johnson and the 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. 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. 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.


Raven Johnson, Applicant
Milwaukee WI 53222
License No. 61241-108

04/20/2021
Date

Approved: _____
Department of Safety and Insurance
P.O. Box 108-2035

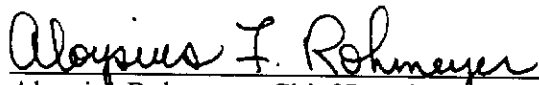
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Raven Johnson, Applicant
Milwaukee WI 53222
License No. 61241-108

Date



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

04/26/2021
Date