

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION
PRIVATE SECURITY PERMIT FOR

TYLER METZGER,
APPLICANT.

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:
:
:
:

ORDER GRANTING
LIMITED LICENSE

ORDER 0007383

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

Tyler Metzger
Menomonee Falls WI 53051

Wisconsin 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 October 12, 2020, Applicant Tyler Metzger (Applicant) submitted an application for a Wisconsin Private Security Person permit (#739412).
2. Information received in the application process establishes that Applicant has the following violation:
 - A. On or about February 14, 2018, Disorderly Conduct, an ordinance violation.
3. The facts and circumstances of this violation include but are not limited to the following:
 - A. On or about May 9, 2017, an individual "MR" reported that he was involved in an incident with another driver, who was eventually identified as Applicant. MR indicated he was driving in the right lane and sought to pass a semi-truck then return to the right lane, but he was cut off by Applicant, who gave him the middle finger. MR stated that he "made a face" at Applicant, at which point Applicant picked up and displayed a black semiautomatic handgun. When Applicant's vehicle was located at his residence, there was a handgun matching MR's description in plain view, with the grip and rear slide protruding from the seat. Applicant confirmed he did not have a conceal carry permit.
4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.

5. 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 upholding laws and protecting the security of persons and private property and may sometimes work armed. Private Security Persons are also likely to encounter stressful or volatile situations and are responsible for deescalating rather than escalating these situations. The circumstances of Applicant’s February 14, 2018 violation involved Applicant having a firearm in his vehicle without a conceal carry permit, as well as escalating rather than deescalating a volatile situation by displaying a firearm to another driver. These circumstances “substantially relate” to the licensed profession.

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

ORDER

1. The attached Stipulation is accepted.

2. Effective the date of this Order, Applicant Tyler Metzger is GRANTED a private security permit subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

A. For a period of three (3) 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 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. Firearms Prohibition

1. Applicant shall not apply for a Firearms Permit with the Department unless the limitation is removed as set forth below.
2. Applicant shall not accept any employment in private security that requires or allows him to work in an armed capacity unless the firearms prohibition is removed by the Department.
3. The firearms prohibition may only be modified as set forth below.

iii. Reporting Requirements

3. 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.
4. 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.

iv. Department Monitor

5. 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. With the exception of the firearms prohibition outlined above, Applicant may petition the Department for modifications of this Order upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least one (1) year.
- ii. 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. Petitions for Removal of Firearms Prohibition

- i. Applicant may petition for the removal of the firearms prohibition upon demonstration of continuous, successful practice in compliance with the terms (which are not specifically modified as a result of the granting of a prior petition for modification as outlined above) of the Order for at least three (3) years and upon demonstration of no new arrests or violations of law that involve or reference the possession or use of firearms.

- ii. Applicant's petition for removal of the firearms prohibition 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 three (3) years 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.

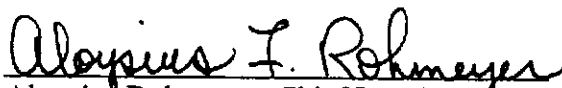
D. Costs

- 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 13th day of May, 2021.



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

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF APPLICATION FOR
PRIVATE SECURITY PERMIT FOR

TYLER METZGER,
APPLICANT.

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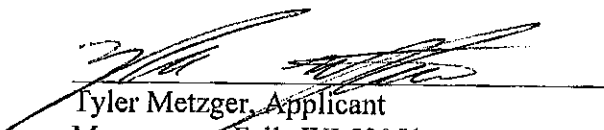
STIPULATION

ORDER 0007383


Applicant Tyler Metzger and the 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 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. Applicant waives all rights to any appeal of the Order, if adopted in the form as attached.

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


Tyler Metzger, Applicant
Menomonee Falls WI 53051
Application No. 739412

5/8/21
Date


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

05/13/2021
Date