

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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face and arms which he said were inflicted by Applicant. A witness reported that Applicant had lunged forward and scratched her ex-boyfriend's face Applicant acknowledged she had pushed his face after he tried to drag her to exit his residence.

4. Applicant did not report the May 6, 2020 ordinance violation to the Department within forty-eight (48) hours as required under Wis. Admin. Code § SPS 35.01(2).

5. On August 20, 2020, on the renewal application for her Private Security Person credential, Applicant was asked, "Since your last renewal *or* initial licensure (if this is your first renewal), do you have any pending charges, and/or have you violated any federal or state laws, or any local ordinances (does not include minor traffic violations that do not involve alcohol or drugs, such as speeding, running stoplights, and seat belt violations)?" Applicant responded to the question, "No, I do not have pending charges and/or convictions." This was false, because the May 6, 2020 ordinance violation occurred after Applicant was initially licensed on November 7, 2018.

6. 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. §§ 440.08(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. Pursuant to Wis. Stat. §§ 440.26(6)(a)(3) & (4) and Wis. Admin. Code §§ 31.05(1)(a) and SPS 35.01(17), the Department may deny an application, or may revoke, suspend, or limit the permit of a person who has made a false statement or provided false information, or committed fraud or misrepresentation, in connection with an application for a Private Security Person permit.

5. The facts and circumstances of the violation 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.*

6. 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 Applicant’s Disorderly Conduct violation involved Applicant scratching another person and escalating rather than deescalating a volatile situation. These circumstances “substantially relate” to the practice of the private security profession.

7. Applicant failed to report the May 6, 2020 ordinance violation to the Department within 48 hours as required pursuant to Wis. Admin. Code § SPS 35.01(2).

8. By the conduct described in the Findings of Fact, Applicant made a false statement in connection with her renewal application for a Private Security Person credential, pursuant to Wis. Stat. §§ 440.26(6)(a)(3) & (4) and Wis. Admin. Code §§ 31.05(1)(a) and SPS 35.01(17).

9. 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), (3) & (4), 111.335(3)(a)(1) and Wis. Admin. Code §§ SPS 31.05(1)(a) & (e) and SPS 35.01(2) & (17) .

ORDER

1. The attached Stipulation is accepted.

2. Applicant Takila Chaplin’s Private Security Person credential, (#61903-108) 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 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.

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 her 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 she 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 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.

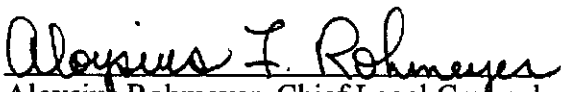
C. Costs

- 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 18th 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
PRIVATE SECURITY PERSON CREDENTIAL
RENEWAL APPLICATION FOR

TAKILA CHAPLIN,
APPLICANT.

STIPULATION

ORDER 0007393

Applicant Takila Chaplin 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 credential. 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.

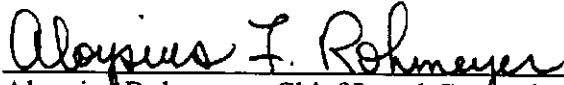
7. Applicant is informed that should the Department adopt this Stipulation, the Department's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.



Takila Chaplin, Applicant
Milwaukee, WI 53233
Permit no. 61903-108

5/17/2021

Date



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

05/18/2021

Date