

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 DISCIPLINARY
PROCEEDINGS AGAINST

DAVID E. GUSTAVSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER

:
:
ORDER 0007789

Division of Legal Services and Compliance Case No. 20 RSG 009

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

David E. Gustavson
Janesville, WI 53545

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent David E. Gustavson (Birth Year 1968) is permitted by the State of Wisconsin as a Private Security Person, having permit number 46461-108, first issued on November 14, 2012 and current through August 31, 2022. Respondent's permit was expired from December 19, 2018¹ to August 9, 2021. Respondent's most recent address on file with the Department is in Janesville, Wisconsin.

¹ See Findings of Fact 3-6, below.

2. On February 26, 2018, Respondent was found guilty of an ordinance violation of disorderly conduct – domestic violence, in Rock County Circuit Court Case No. 2018 FO 363, and was ordered to pay a forfeiture of \$426.50.

3. On August 28, 2018, Respondent reported the ordinance violation to the Department in his application for renewal of his private security person permit.

4. The Department requested documentation and additional information from Respondent about the ordinance violation in order to conduct a legal review and determine whether to renew his permit.

5. Respondent failed to respond to the Department's request for additional information.

6. On December 19, 2018, having received no response from the Respondent, the Department moved Respondent's credential to expired status.

7. On August 18, 2020, Respondent again applied to renew his private security permit and again reported his 2018 ordinance violation.

8. Respondent timely submitted the required additional information regarding the ordinance violation.

9. On August 9, 2021, the Department renewed Respondent's private security permit.

10. Department records show that Respondent was employed by American Security & Investigations LLC (ASI) from November 14, 2012 to November 3, 2019, and Midwest Patrol & Investigative LLC (MPI) from September 9, 2020 to the present.

11. On July 23, 2021, a representative of ASI confirmed that Respondent worked in a private security role from the time his license expired until his departure in 2019.

12. On July 19, 2021, a representative of MPI informed the Department that they were aware that Respondent had not renewed his private security permit. As a result, they placed him in an "event staff" position, which the representative explained meant Respondent walked or drove a golf cart around an area and reported issues to other officers or to the police department.

13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(1)(a)2. and engaged in conduct reflecting adversely on his professional qualification pursuant to Wis. Admin. Code § SPS 35.01(4m) by acting as a private security person when his private security permit was expired.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.26(4m)(b) and engaged in conduct reflecting adversely on his professional qualification pursuant to Wis. Admin. Code § SPS 35.01(2) by failing to notify the department in writing within 48 hours of a judgment finding he committed a violation.

4. As a result of the above violations, Respondent David E. Gustavson is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)1., 2., and 4. and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.

2. Respondent David E. Gustavson is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, David E. Gustavson shall pay COSTS of this matter in the amount of \$1,041.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's permit (no. 46461-108), or Respondent's right to renew his permit, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

6. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: A. Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On Behalf of the Department

1/28/2022
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID E. GUSTAVSON,
RESPONDENT.

:
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:
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:
:

STIPULATION

ORDER 0007789

Division of Legal Services and Compliance Case No. 20 RSG 009

Respondent David E. Gustavson and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

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

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent'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 Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Department of Safety and Professional Services (Department). The parties to the
Stipulation consent to the entry of the attached Final Decision and Order without further notice,
pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the
Department's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties
shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the
Division of Legal Services and Compliance for further proceedings. In the event that the

Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Department may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Department should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

DE Gustavson
David E. Gustavson, Respondent
Janesville, WI 53545-4835
Credential No. 46461-108

11-21-21
Date

Megan Reed
Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

12-17-2021
Date