

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 FOR A
PRIVATE SECURITY PERSON PERMIT

ORDER GRANTING
LIMITED PERMIT

JAELO MCGLOTHLIN,
APPLICANT.

ORDER 0008277

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

Jaela McGlothlin
Milwaukee, WI 53209

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 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. On or about March 17, 2020, Jaela McGlothlin (Applicant) was granted a Private Security Person Permit by the Department (65180-108).
2. Applicant filed an application (65180-108) for the renewal of her Private Security Person Permit.
3. Information received in the application process establishes that Applicant has the following conviction record:
 - A. On or about August 2, 2021, Disorderly Conduct (Use of a Dangerous Weapon), a misdemeanor.
4. The facts and circumstances of this conviction record include but are not limited to the following:
 - A. On or about May 1, 2021, Applicant was involved in an altercation with her sister and another woman at Applicant's mother's residence. Applicant came to the residence @0100 and engaged in a verbal confrontation with her sister and the

other woman. Police responded and removed Applicant from the residence, but she returned a few hours later and instigated another confrontation which became physical and involved Applicant's destruction of property and reckless discharge of a handgun.

B. Police reports contain witness statements from Applicant, her mother and sister, and the other woman. The reports reflect that Applicant damaged a bedroom door by repeatedly punching and/or kicking it, that she physically fought her sister in a hallway, that she chased her sister and the other woman out of the residence, and that she then went to her car and retrieved a handgun from which she fired at least one shot at the car in which her sister and the other woman were fleeing. Police subsequently found one shell casing and a bullet hole in the privacy fence of a nearby residence.

C. Upon questioning by police, Applicant first denied discharging her firearm, then claimed it had fallen and accidentally discharged during the fight inside the residence, and then she eventually admitted to firing it outside but claimed "it was only 1 casing."

D. Applicant asked the court to return the involved handgun to her, but that request was denied.

E. Applicant failed to report the conviction to the Department within 48 hours, as required by 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 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) and Wis. Admin. Code §§ SPS 31.05(1)(e) and SPS 35.01(2), the Department may refuse to issue a Private Security Person permit to an applicant 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 Wis. Stat. §§ 111.321, 111.322, and 111.335.

3. Pursuant to 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.

4. 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. The facts and circumstances of the above-referenced conviction record are substantially related to the practice of a Private Security Person.

- A. Private Security Persons are responsible for maintaining order, upholding rules, and protecting the security of people and property.
- B. The circumstances of Applicant's conviction are substantially related to the practice of private security. Applicant's conduct demonstrated a propensity to escalate a situation which started with a verbal confrontation after which Applicant was removed by police. She then returned and instigated a physical confrontation which also involved the destruction of property, reckless discharge of a handgun, and subsequent failure to fully cooperate with a police investigation.
- C. Due to Applicant's conduct described above, the circumstances of her conviction are substantially related to the practice of private security.

6. Applicant's reported conviction directly involves her irresponsible and dangerous use of a firearm, and therefore she does not meet general conditions for carrying a firearm while working as a Private Security Person.

7. As a result of the above Findings of Fact and Conclusions of Law, Applicant's Private Security Person Permit application is subject to limitations or denial, pursuant to Wis. Stat. §§ 440.26(5m)(am), and 111.335(3)(a)1., and Wis. Admin. Code §§ SPS 31.05(1)(e), and SPS 35.01(2).

ORDER

1. The attached Stipulation is accepted.

2. Applicant's application for the renewal of her Private Security Person Permit is granted subject to the following limitations.

3. Applicant's ability to practice as a Private Security Person is LIMITED for a period of at least two years from the date of this Order as follows:

- 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 14 days of beginning new employment and/or within 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 48 hours of any such event, including any convictions resulting from pending charges.

B. Reporting Requirements

- i. 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 90 days from the date of this Order. These reports shall describe the circumstances of Applicant's employment, assess her 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.
- ii. Applicant is responsible for compliance with all of the terms and conditions of this Order. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

C. Firearms Ban

- i. Applicant shall not apply for a Firearms Permit with the Department at any time.
- ii. Applicant shall not work in any position that requires or allows her to carry a firearm.
- iii. Applicant shall not possess a firearm while working as a Private Security Person.

4. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any 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
P.O. Box 7190, Madison, WI 53707-7190
Telephone: (608) 267-3817; Fax: (608) 266-2264
dspsmonitoring@wi.gov

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

5. Applicant may petition the Department to lift or revise the Practice Limitations and Reporting Requirements set forth in Order paragraphs 3.A. and 3.B. above upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least one year. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Department or its designee. Any such petition shall be accompanied by a written recommendation from Applicant's current employer. 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.

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

7. If Applicant violates any term of this Order, Applicant's permit 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.

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

Dated at Madison, Wisconsin this 22 day of November, 2022.



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 A :
PRIVATE SECURITY PERSON PERMIT :
: STIPULATION
JAELO MCGLOTHLIN, :
APPLICANT. : **ORDER 0008277**

Applicant Jacla McGlothlin and the Department of Safety and Professional Services stipulate as follows:

1. Applicant filed an application for renewal of a Private Security Person Permit (#65180-108).

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 Limited Permit (Order) 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 by the Department. The parties to the Stipulation consent to the entry of the Order 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 should the Department adopt this Stipulation, the Order is a public record and will be published in accordance with standard Department procedure.


Jacla McGlothlin, Applicant
Milwaukee, WI 53209
Application no. 65180-108

11-10-22
Date


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

11/22/2022
Date