

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	:	
JENNIFER OTTAWAY (FKA CANADAY),	:	FINAL DECISION AND ORDER
RESPONDENT.	:	ORDER 0008362

Division of Legal Services and Compliance Case No. 18 RSG 008

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

Jennifer Ottaway (FKA Canaday)
Wind Point, WI 53402

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Department of Safety and Professional Services (Department) on June 8, 2022. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Department. The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Jennifer Ottaway (FKA Canaday) (Birth Year 1991) is permitted by the State of Wisconsin as a private security person, having permit number 61019-108, first issued on June 28, 2018 and current through August 31, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wind Point, Wisconsin 53402.
2. On July 27, 2018, the Department received a request from a private detective agency (hereinafter "D.I.") to verify the validity of a private security permit and firearms permit

purported to belong to Respondent. According to Department records, Respondent did not have a firearms permit associated with her private security permit. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 RSG 008 for investigation.

3. The firearms permit provided by D.I. listed Respondent's name and stated she was employed by Tactical Response LLC. Department records showed that the permit number in fact belonged to a different individual, who had never worked for Tactical Response LLC and whose private security permit had expired in 2014.

4. On August 3, 2018, D.I. told the Department that D.I. had been hired by a company to provide armed security. However, because D.I. does not provide armed security, they contracted with another private detective agency, "M.P.," to provide armed guards.

5. According to D.I., Respondent was one of three armed security guards provided by M.P. and stationed at the company.

6. In late July 2018, the company asked D.I. to perform a background investigation of the security personnel stationed at the company.

7. On June 3, 2019, the Department contacted M.P. to respond to the complaint that they had hired Respondent to work as an armed security guard when Respondent did not have a valid firearms permit.

8. On July 3, 2019, an employee of M.P. responded and stated that Respondent was never an employee of M.P. but was in fact an employee of Tactical Response LLC, with whom M.P. had contracted to provide additional security employees.

9. On September 23, 2019, M.P. emailed the Department and provided a copy of its contract with Tactical Response. The contract is dated June 15, 2018.

10. On September 25, 2019, the Department sent a letter to Respondent at her mailing address of record at the time in Kenosha, Wisconsin, and requested a response to the complaint that she was working as an armed private security person without the proper firearms permit. The letter was returned to the Department with a notation that there was no such address.

11. On October 11, 2019, the Department sent a letter to Respondent at an address found in the Wisconsin Circuit Court Access Program (CCAP) for Respondent in Pleasant Prairie, Wisconsin. The Department requested the same information as the September 25, 2019 letter. The letter was returned to the Department as unclaimed.

12. On November 1, 2019, the Department sent Respondent a letter via certified mail to the Pleasant Prairie address. The letter requested a response to the allegation that she worked as an armed private security person without the proper firearms permit and her dates of employment with Tactical Response. The letter was returned to the Department on December 12, 2019 as unclaimed.

13. On November 15, 2019, the Department sent Respondent a letter to her Pleasant Prairie address and requested the same information as the November 1, 2019 letter.

14. On December 2, 2019, Respondent emailed the Department and stated that she was concerned about the allegations in the complaint and that she had never worked for Tactical Response.

15. According to Department records, Respondent worked for Tactical Response Private Police Agency LLC (license no. 17242-62) from June 28, 2018 to August 15, 2018. Department records also show that Respondent's email address of record with the Department, until August 14, 2018, was tacticalresponsepolice@gmail.com.

16. On March 18, 2022, a Department investigator searched for an alternative address for Respondent using Lexis/Nexis and found an address in Racine, Wisconsin.

17. On June 8, 2022, a Department investigator contacted Respondent by telephone. Respondent stated that she now went by "Jennifer Ottaway." She also provided an updated email address and mailing address, which was the same as the address found in Lexis/Nexis.

18. On July 18, 2022, Respondent updated the Department in writing of her name and mailing address change.

19. On October 14, 2022, Respondent provided the Department with a copy of her concealed carry license, which had been issued on June 21, 2018 and is current through June 21, 2023.

20. 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 above, Respondent violated Wis. Admin. Code § SPS 32.04 by failing to notify the Department in writing within 30 days after a change of name or address.

3. By the conduct described in the Findings of Fact, Respondent engaged in conduct reflecting adversely on her professional qualification pursuant to Wis. Admin. Code § SPS 35.01(18) by providing false information to the department or its agent.

4. By the conduct described above, Respondent engaged in conduct reflecting adversely on her professional qualification pursuant to Wis. Admin. Code § SPS 35.01(23) by failing to cooperate in a timely manner with the Department's investigation of a complaint filed against the credential holder.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jennifer Ottaway's private security person permit (number 61019-108) is SUSPENDED for a period of thirty (30) calendar days, beginning 14 calendar days after the date of this Order.

3. Respondent Jennifer Ottaway's private security person permit (number 61019-108) is also LIMITED as follows:

- a. Respondent shall provide a copy of this Order to her supervisor at all private detective agencies where she works as a private security person. Respondent shall provide the Department Monitor with written acknowledgement from each such supervisor 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.
- b. Beginning ninety (90) days from the date of this Order, Respondent shall arrange for her supervisor(s) at all private detective agencies where she is employed as a private security person to provide work reports to the Department Monitor on a quarterly basis. In each report, Respondent's supervisor(s) shall:
 - i. Describe Respondent's employment activities for the previous three (3) months; and
 - ii. Verify that Respondent is in compliance with the laws governing the practice of a private security person and the terms of this Order.
- c. Beginning ninety (90) days from the date of this Order, Respondent shall submit reports to the Department Monitor on a quarterly basis. Each report shall be submitted by the first day of the first full month of each quarter and shall include the following information:
 - i. The name, address and telephone number of Respondent, and name, address and telephone number of Respondent's supervisor(s) at all private detective agencies where she is employed as a private security person; and
 - ii. A signed statement from Respondent certifying that she is in compliance with the terms and conditions of this Order.
- d. Respondent shall report to the Department Monitor any change of employment status, name, address, or telephone number within five (5) days of the date of the change.
- e. Respondent shall report to the Department Monitor any police contact, arrest, and/or conviction within forty-eight (48) hours of the police contact, arrest and/or entry of conviction.

- f. Respondent is responsible for compliance with all terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order.
- g. After two (2) years of practice in compliance with all terms and conditions of this Order, Respondent may petition the Department for the modification or termination of the above limitations. The Department may grant or deny the petition, in its discretion, or may modify this Order as it sees fit. A denial of such a petition for modification or termination 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

4. Within ninety (90) days from the date of this Order, Respondent Jennifer Ottaway shall pay the COSTS of this matter, for a total of \$2,861.70.

5. All submissions, including payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), shall be sent by Respondent 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/>

6. In the event Respondent violates any term of this Order, Respondent's credential (number 61019-108), or Respondent's right to renew her credential, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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 Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

by:


A Member of the Department

1/13/2023
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JENNIFER OTTAWAY (FKA CANADAY),
RESPONDENT.

STIPULATION

ORDER 0008362

Division of Legal Services and Compliance Case No. 18 RSG 008

Respondent Jennifer Ottaway (FKA Canaday) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

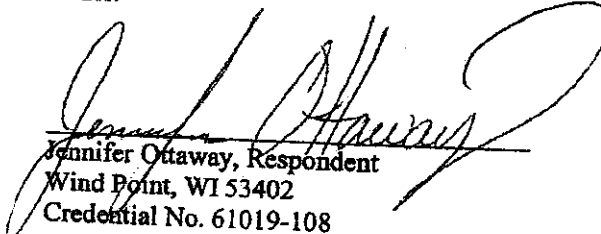
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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. Respondent is represented by Attorney Peyton B. Engel.
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.

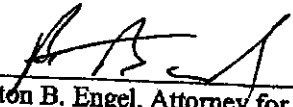
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Department ever assigned as an advisor in this investigation may appear before the Department in open or closed session, without the presence of Respondent, 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.


Jennifer Outaway, Respondent
Wind Point, WI 53402
Credential No. 61019-108

12/02/2022
Date


Peyton B. Engel, Attorney for Respondent
Hurley Burish, S.C.
33 E. Main Street, Suite 400
P.O. Box 1528
Madison, WI 53701-1528

12/2/2022
Date


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

12/2/2022
Date