

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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
CODY HUFFMAN	:	
APPLICANT.	:	
	:	ORDER 0008897

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

Cody Huffman
Madison, WI 53704

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. Cody Huffman (Applicant) applied for a Private Security Person Permit issued by the Department (#841358).
2. Information reviewed in the application process establishes that Applicant has the following record:
 - A. On or about November 19, 2021, County Disorderly Conduct, an ordinance violation.
3. The facts and circumstances of Applicant's record include but are not limited to the following:
 - A. According to police reports, on or about June 27, 2021, officers responded to Applicant's residence for a 911 disconnect. Applicant appeared intoxicated and emotional, telling officers he wanted to die or force the police to shoot him. Applicant told officers he took medication for Post Traumatic Stress Disorder (PTSD), but he believed it did not work.

- B. Applicant was taken to a detox center for an evaluation. Officers were dispatched twice to the detox center because Applicant was causing a disturbance. Applicant was hitting walls and doors, being verbally aggressive, expressing suicidal ideation, and demanding to be discharged.
 - C. Due to Applicant's behavior, he was arrested and transported to a hospital for medical clearance. During transport and medical clearance, Applicant called officers slurs and continued to express suicidal ideation, stating he had an active plan to commit suicide. While restrained, Applicant got into the face of an officer as if he was going to strike him/her.
4. Further information on file establishes the following:
- A. According to documentation from the U.S. Military, Applicant is a combat veteran who was medically and honorable retired from the military. Applicant served in Afghanistan, earning several medals, ribbons, and badges for his service.
 - B. According to a letter of support from Applicant's Veteran's Affairs (VA) counselor, Applicant has been attending outpatient therapy since January of 2021. Applicant has treatment for mental health and alcohol use issues. Specifically, Applicant is working on "emotional regulation" and "identifying healthy coping skills for distressing situations". Applicant is also focusing on identifying triggers related to his alcohol use. Applicant completed a relapse prevention program on an unknown date.
 - C. According to Applicant's personal statement, he has been sober since June 28, 2021. Applicant identified a family member and partner as his support system. Applicant attends therapy once per week.
 - D. According to documentation from Southern New Hampshire University, Applicant has been continuously enrolled in a full-time education program since January 4, 2021, with an anticipated graduation date of August 25, 2024.
5. Further information on file establishes the following:
- A. On or about January 10, 2023, Applicant submitted application #841358 for a Private Security Permit, answering "No" to question one (1), which asks:
 - i. Have you ever been convicted of a misdemeanor, felony, or other violation of federal, state, or local law or do you have any felony, misdemeanor, or other violation of federal, state, or local law charges pending against you in this state or any other? This includes municipal ordinances resulting only in monetary fines or forfeitures and convictions resulting from a plea of no

contest, a guilty plea, or verdict. If YES, complete and attach Form #2254, Convictions and Pending Charges.

- ii. A subsequent review of Applicant's fingerprint report dated March 8, 2023 revealed the County Disorderly Conduct ordinance violation.

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. §§ 440.26(5m)(am), 111.335(3)(a)(1), 440.26(6)(a)3. 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 Person 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 Wis. Stat. §§ 111.321, 111.322, and 111.335.

3. Pursuant to Wis. Stat. § 111.335(3)(a)(1) and Wis. Admin. Code §§ SPS 31.05(1)(e) and 35.01(2), 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 job or 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 record are substantially related to the practice of a Private Security Person.

- A. A Private Security Person is responsible for maintaining order, upholding rules, and protecting the security of people and property.
- B. Private Security Persons are often armed in the practice.
- C. Private Security Persons are often required to interact with the people in emotionally charged and tense situations. Examples of such situations include, but are not limited to, the following: confronting law violators, unruly patrons, people under the influence of substances, people in mental health crises, or assisting people in medical emergencies.

- D. The circumstances of Applicant's County Disorderly Conduct ordinance are substantially related to the practice of a Private Security Person. Applicant's conduct demonstrates a propensity for aggression and suicidal ideation in emotionally charged and tense situations, as he became aggressive with nursing staff and police during his detention for intoxication and suicidal ideation.

6. Applicant's reported ordinance violation involved his expressions of suicidal ideation and suicide by police. Applicant stated that he wanted to die, had an active plan to commit suicide, and specifically stated that he wanted the police to shoot him. Applicant's conduct involved dangerous expressions about the use of firearms, and therefore he does not meet general conditions for carrying a firearm while working as a Private Security Person.

7. Pursuant to Wis. Admin. Code § SPS 31.05(1)(b), a Private Security Permit may be denied if the applicant has a physical, emotional or mental condition which might adversely affect performance of duties relating to the credential for which he or she has applied.

- A. Applicant has ongoing treatment for mental health and alcohol issues, including treatment for "emotional regulation" and "identifying healthy coping skills for distressing situations". Applicant self-identified as having PTSD.

- B. Applicant's diagnosed and self-identified mental health issues might adversely affect the performance of private security duties, as Private Security Persons are often required to interact with people in emotionally charged and tense situations, such as those noted in paragraph 2.C. above.

8. Pursuant to Wis. Stat. 440.26(6)(a)3. and Wis. Admin. Code § SPS 31.05(1)(a) and (e) and 35.01(17), the Department may deny an application for a Private Security Person Permit if the applicant commits fraud or misrepresentation in the application, such as failing to disclose and/or provide required information and explanation about a violation.

- A. Applicant failed to disclose his substantially related County Disorderly Conduct ordinance violation to the Department as required in the application and as directed by question one (1) of the Conviction Questionnaire.

B. As a result of the above Findings of Fact and Conclusions of Law, Applicant's Private Security Person Permit application is subject to limitations, pursuant to Wis. Stat. §§ 440.26(5m)(am), 111.335(3)(a)(1), 440.26(6)(a)3., and Wis. Admin. Code §§ SPS 31.05(1)(a), SPS 31.05(1)(b), SPS 31.05(1)(e), SPS 35.01(2), and SPS 35.01(17).

ORDER

1. The attached Stipulation is accepted.

2. Applicant's application for a 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 provide 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 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.
- iii. Applicant shall provide a copy of this Order to his current and any future mental health and/or AODA treatment provider(s). Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each provider that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within 14 days of beginning new treatment and/or within 14 days of the date of this Order for treatment current as of the date of this Order.
- iv. Applicant shall not cease treatment with his mental health and/or AODA treatment provider(s) unless expressly discharged by the provider, with written proof of discharge submitted to the Department Monitor.
- v. Applicant shall maintain absolute sobriety from alcohol and controlled substances, unless prescribed, and shall only take prescription drugs in the manner and amount prescribed.

B. Reporting Requirements

- i. 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 90 days from the date of this Order. These reports shall describe the circumstances of Applicant's employment, assess his 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.

- ii. Applicant shall arrange for written reports from his mental health and/or AODA treatment provider(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 Applicant's engagement and compliance with treatment.
- iii. 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 him 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 requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, or delivered to:

DEPARTMENT MONITOR
Division of Legal Services & Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone: (608) 266-2122
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 may petition the Department to lift or revise the Firearms Ban set forth in Order paragraph 3.C. above upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least two years. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Department or its designee. A petition to modify the firearms restriction must be accompanied by a fitness to practice evaluation or other evidence from a medical provider that Applicant can work safely while armed.

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

8. 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.

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

Dated at Madison, Wisconsin this 8th day of December, 2023.


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
CODY HUFFMAN, :
APPLICANT. : **ORDER 0008897**

Cody Huffman (Applicant) and the Department of Safety and Professional Services (Department) stipulate as follows:

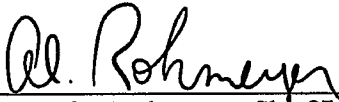
1. Applicant filed an application for a Private Security Person Permit (#841358).
2. Information received by the Department reflects a basis for denial of Applicant's application.
3. Based upon the information of record, the Department agrees to issue, and Applicant agrees to accept, an Order granting a Private Security Person 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 Permit by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting Limited Permit 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 Permit is a public record and will be published in accordance with standard Department procedure.



Cody Huffman, Applicant
Madison, WI 53704
Application No. 841358

8/25/2023
Date



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

10/05/2023
Date