Chapter RL 35

PRIVATE DETECTIVE AND PRIVATE DETECTIVE AGENCY GROUNDS FOR DISCIPLINARY ACTION

RL 35.01 Unprofessional conduct
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RL 35.01 Unprofessional conduct. The department may deny an application for renewal, limit, suspend or revoke a license, or reprimand a licensee upon proof that the licensee or any owner of an agency has engaged in conduct reflecting adversely on professional qualification. Conduct reflecting adversely on professional qualification includes, but is not limited to, any of the following:

(1) Performing private detective or private security related services while the ability of the licensee to competently perform duties is impaired by mental or emotional disorder or alcohol or other drug abuse.

(2) Violating, or aiding or abetting the violation of, any law the circumstances of which substantially relate to the practice of a private detective or private security person. A licensee who has been convicted of a felony, misdemeanor or ordinance violation except motor vehicle offenses under chs. 341 to 349, Stats., shall send to the department within 30 days after the judgment of conviction a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the licensee was convicted are substantially related to the practice of a private detective or private security person, pursuant to s. 111.335(1)(c), Stats.

(3) Operating a branch, divisional or department office under a different name than that of the agency's principal office in this state, unless the branch, division or department has received a separate license.

(4) Wearing, using or displaying a badge, shield or star in the course of acting as a private detective.

(5) Pretending to be a law enforcement agency or peace officer including but not limited to:

(a) Operating a motor vehicle with flashing red or blue lights contrary to s. 347.25, Stats.

(b) Using the term "police department" in connection with advertising, badge, emblem, stationery, or vehicle.

(c) Intentionally wearing uniforms to closely resemble in style, color, accessories or insignia the uniforms of a police agency in whose jurisdiction the licensee conducts business.

(6) Using false, misleading or deceptive advertising.

(7) Advising any person to engage in an illegal act or course of conduct.

(8) Violating state or federal law rules or regulations related to the care, handling or use of firearms or other dangerous weapons.

(9) Violating any rule in chs. RL 30 to 35.

(10) Employing any person who engages in any act or course of conduct for which the department may discipline a private detective or agency, if the employer knows or should know that the person is engaging or has engaged in the act or course of conduct.

(11) Failing to maintain a bond or liability policy for the period of licensure as required by s. 440.26, Stats.

(12) Neglecting, failing or refusing to render professional services to any person solely because of that person's age, race, color, handicap, sex, sexual orientation, religion, creed, national origin or ancestry.

(13) Assigning any person to perform private detective or security personnel duties who has not been issued a license or permit prior to performing the services or who has not properly notified the department of an employment transfer.

(14) Failing to provide clients with an accurate written account of services within a reasonable period of time after having been requested to do so by the client.

(15) Issuing checks on business or trust accounts which contain insufficient funds.

(16) Employing a person under the age of 18 years to act as a private detective or private security person.

(17) Providing false information in the application for a license.

(18) Providing false information to the department or its agent.

(19) Practicing without a current license.

(20) Obtaining or attempting to obtain anything of value from a client without the client's consent.

(21) Obtaining or attempting to obtain any compensation from a client by fraud, misrepresentation, deceit or duress.

(22) Having disciplinary action through final board or agency action taken against one's license in another jurisdiction.

(23) After a request by the department, failing to cooperate in a timely manner with the department's investigation of a complaint filed against the licensee. There is a rebuttable presumption that a licensee who takes longer than 30 days to respond to a request of the department has not acted in a timely manner.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 35.02 Discipline against agency for private detective violations. The department may take disciplinary action against a licensed private detective agency for violations of chs. RL 30 to 35 committed by licensed private detectives or security persons employed by the agency.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 35.03 Effect of suspensions, revocation or nonrenewal of agency license on agency employes. (1) Suspension, revocation or nonrenewal of an

agency license shall terminate private detective or private security personnel activity by all employes of the agency.

(2) A private detective employed by an agency whose agency license is suspended, revoked or not renewed by the department may apply for a transfer of license to another agency, provided that the private detective was not a party to the act or course of conduct which caused the suspension, revocation or nonrenewal of the agency license of the former employer.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.