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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT II**

April 29, 2020

To:

Hon. Eugene A. Gasiorkiewicz  
Circuit Court Judge  
Racine County Courthouse  
730 Wisconsin Ave.  
Racine, WI 53403

Samuel A. Christensen  
Clerk of Circuit Court  
Racine County Courthouse  
730 Wisconsin Avenue  
Racine, WI 53403

Patricia J. Hanson  
District Attorney  
730 Wisconsin Ave.  
Racine, WI 53403

Karla Z. Keckhaver  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Ryan Krupp  
1761 Hill St.  
Racine, WI 53404

You are hereby notified that the Court has entered the following opinion and order:

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2018AP1029

Ryan Krupp v. Brian Hayes (L.C. # 2017CV835)

Before Neubauer, C.J., Gundrum and Davis, JJ.

Ryan Krupp appeals pro se from a circuit court order that affirmed, on certiorari review, an administrative decision to revoke his probation. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version.

Krupp was convicted of maintaining a drug trafficking place and possession with intent to deliver marijuana. The circuit court withheld sentence and placed Krupp on probation, which began in 2013.

In 2016, the department of corrections sought revocation of Krupp's probation. Following a hearing on the matter, the administrative law judge (ALJ) found that two allegations were substantiated. Both of them dealt with Krupp's violation of a no-contact rule issued by the department regarding his former girlfriend, S.J. Ultimately, the ALJ determined that revocation was warranted.

Krupp appealed to the Division of Hearings and Appeals (DHA) Administrator Brian Hayes, who sustained the ALJ's decision. Krupp then sought certiorari review from the circuit court, which affirmed. This appeal follows.

Review of a revocation decision is obtained by a writ of certiorari to the circuit court. *See State ex rel. Washington v. Schwarz*, 2000 WI App 235, ¶16, 239 Wis. 2d 443, 620 N.W.2d 414. In an appeal from the circuit court's order affirming or reversing the decision of an administrative agency, we review the agency's decision, not the circuit court's. *Mineral Point Unified Sch. Dist. v. WERC*, 2002 WI App 48, ¶12, 251 Wis. 2d 325, 641 N.W.2d 701.

Judicial review on certiorari is limited to considering (1) whether the agency kept within its jurisdiction; (2) whether it acted according to law; (3) whether its action was arbitrary, oppressive, or unreasonable, representing its will, not its judgment; and (4) whether the evidence was such that it might reasonably make the determination in question. *State ex rel. Thorson v. Schwartz*, 2004 WI 96, ¶12, 274 Wis. 2d 1, 681 N.W.2d 914.

On appeal, Krupp contends that the DHA erred by revoking his probation. He complains that the decision to revoke was arbitrary, not supported by substantial evidence, and failed to consider alternatives to revocation. He further complains that his rights were violated—both by implementing the no-contact rule and by restricting his cross-examination of his agent at the hearing on the matter. We are not persuaded by Krupp’s arguments. The decision to revoke Krupp’s probation was reasonable and supported by substantial evidence.

There is no dispute that Krupp’s rules of supervision prohibited him from having contact with S.J. without his agent’s permission.<sup>2</sup> Likewise, there is no dispute that Krupp had ongoing contact with S.J. Given Krupp’s repeated and willful rule violations in this case, along with his history of rule violations in general,<sup>3</sup> the DHA rationally concluded that revocation was necessary and that an alternative was not appropriate.

Krupp’s claimed rights violations are also without merit. As a general matter, conditions of supervision may “impinge upon constitutional rights as long as they are not overly broad and are reasonably related to the person’s rehabilitation.” *State v. Oakley*, 2001 WI 103, ¶19, 245 Wis. 2d 447, 629 N.W2d 200 (citation omitted). The no-contact rule at issue was narrowly tailored to one person, S.J., and was implemented after the discovery of drugs and drug paraphernalia at her residence, a fact clearly relevant to Krupp’s rehabilitation. As for the complaint about cross-examination, Krupp was permitted to thoroughly question his agent about numerous topics at the

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<sup>2</sup> Krupp maintained that his agent had verbally lifted the no-contact rule. However, the agent testified otherwise, and the DHA was free to accept that testimony as credible.

<sup>3</sup> Krupp’s numerous prior rule violations resulted in multiple revocations and alternatives to revocation.

hearing. The ALJ appropriately limited Krupp from asking repetitious and irrelevant questions. On this record, we perceive no error.<sup>4</sup>

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>4</sup> To the extent we have not addressed any other argument raised by Krupp on appeal, the argument is deemed rejected. *See State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).