

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION	:	
FOR A LICENSE TO PRACTICE AS A	:	FINAL DECISION
REAL ESTATE SALESPERSON,	:	AND ORDER
	:	LS0711131REB
JAMES C. CAYO,	:	
APPLICANT.	:	

Division of Enforcement Case No. 07REB139

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 6th day of August, 2008.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

IN THE MATTER OF THE APPLICATION :
FOR A LICENSE TO PRACTICE AS A : PROPOSED DECISION
REAL ESTATE SALESPERSON : AND ORDER
: Case No. LS0711131REB
JAMES C. CAYO :
RESPONDENT. :

[DOE Case File #07REB139]

Mr. James C. Cayo
5406 South 24th Street
Milwaukee, WI 53221

Department of Regulation & Licensing
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
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PROCEDURAL HISTORY

Following the denial of his application for a real estate salesperson credential, James C. Cayo requested a hearing in the above-captioned matter. Currently, Mr. Cayo has a pending criminal charge in Waukesha County, which has not been resolved. The parties agreed to hold the above-captioned matter in abeyance until the underlying criminal matter was resolved. In the interim, however, Mr. Cayo submitted a letter to the undersigned in which he requested the withdrawal of his application for a real estate salesperson credential and the cancellation of his hearing request. The Division of Enforcement had no objection to his request.

FINDINGS OF FACT

1. James C. Cayo (DOB 12/27/51) submitted an application for a real estate salesperson license on or about March 28, 2007. The Department of Regulation and Licensing denied his application on or about May 29, 2007.
2. Mr. Cayo's latest address on file with the Department of Regulation and Licensing is 5406 South 24th Street, in Milwaukee, Wisconsin.
3. Mr. Cayo made a timely request for hearing on the denial of his application for a real estate salesperson license.
4. The application for a real estate salesperson's license requires that applicants answer the following question:
"Have you ever been convicted of a misdemeanor or a felony or driving while intoxicated (DWI) in this or any other state, **OR** are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252 entitled "Convictions and Pending Charges."
5. In response to that question, Mr. Cayo checked the box marked "Yes."
6. Mr. Cayo also completed Form #2252 and indicated that he had a 1980 conviction for Robbery and a pending charge of Burglary.

7. Information received from the Chippewa County, Wisconsin Clerk of Courts indicated that Mr. Cayo was convicted of the following:

May 8, 1980 – Felony – One count of Robbery.

Information received from the Waukesha County, Wisconsin Clerk of Courts indicated that Mr. Cayo has a pending charge of Felony Burglary of a Building or Dwelling.

CONCLUSIONS OF LAW

The Wisconsin Department of Regulation and Licensing has jurisdiction in this matter pursuant to §§ 111.335 and 452.03, Wis. Stats.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that this matter be **DISMISSED**.

OPINION

Following the denial of his application for a real estate salesperson credential, James C. Cayo requested a hearing in the above-captioned matter. Subsequent to his request for a hearing, Mr. Cayo wrote a letter to the undersigned and the prosecuting attorney within the Division of Enforcement seeking to withdraw his pending application and to cancel his request for a hearing in the matter. Should Mr. Cayo decide to reapply for the same credential at a later date, he is welcome to do so. In the meantime, however, Mr. Cayo's request to cancel the hearing and withdraw his application is reasonable. This matter should therefore be dismissed.

Dated at Madison, Wisconsin, this 7th day of July, 2008.

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DEPARTMENT OF REGULATION & LICENSING
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Jacquelynn B. Rothstein
Administrative Law Judge