

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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1990
89 REB 110

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	89 REB 110
SHELDON M. SALANT	:	
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Sheldon M. Salant
5510 Century Avenue
Middleton, WI 53562

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 final decision of this matter, subject to the approval of the Real Estate Board ("Board"). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Sheldon M. Salant ("Salant") is licensed as a real estate broker, license #43436, having been so licensed since March 17, 1989; and is and was licensed as a real estate salesperson, license #28197, and having been so licensed since March 17, 1988.

2. Salant is affiliated with RE/MAX Metropolitan Realtors, Inc. 2901 West Beltline Hwy., #113, Madison, WI 54713, a real estate corporation licensed to practice in the State of Wisconsin pursuant to license # 833775, granted on December 30, 1988, and is supervised by Michael J. Ryan, a real estate broker licensed to practice in the State of Wisconsin pursuant to license # 23775, granted on May 12, 1980.

3. On or about March 10, 1989, having entered into a written plea agreement in connection with State of Wisconsin v. Salant, No. 85 CF 1100 (Dane County Circuit Court), Respondent pled guilty and was found guilty of five counts of misdemeanor theft by fraud in violation of sec. 943.20(1)(d), Wis. Stats., committed on various dates between 1983 and 1985. He was

convicted as found guilty, placed on one year probation, repaid \$3,800 in restitution to Medicaid, agreed to pay fines, assessments and surcharges, and agreed to voluntarily surrender his license to practice dentistry for two years.

4. The circumstances of the conviction alleged in paragraph 3, which involved 5 separate instances of obtaining Medicaid reimbursement on the basis of false claims, substantially relate to the practice of real estate.

5. Within 30 days after the Judgment of Conviction alleged in paragraph 3, Salant failed to send to the Department of Regulation and Licensing ("Department") a copy of the Complaint or other information which describes the nature of the crime and the Judgment of Conviction.

6. Salant was discharged from probation on or about March 10, 1990.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Sec. 227.44(5), Wis. Stats.

3. Respondent Sheldon M. Salant has violated Secs. RL 24.17(1) & (2), Wis. Adm. Code, by his conviction and violation of law, Sec. 943.20.(1)(d), the circumstances of which substantially relate to the practices of a real estate broker or salesperson, and further by his failure to 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.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the real estate broker's license (# 43436) of Sheldon M. Salant be limited for a period of Eighteen (18) months, effective on the date of this Final Decision and Order, in the following manner:

a. Respondent Sheldon M. Salant shall engage in the practice of real estate only in affiliation with RE/MAX Metropolitan Realtors, Inc. under the supervision of Michael J. Ryan, and may transfer affiliation or employment only in accordance with paragraph "e" below.

b. Respondent Sheldon M. Salant shall not maintain a trust account in his own name.

c. Respondent Sheldon M. Salant, whenever he shall receive any real estate trust funds, shall promptly submit such funds to his broker-employer or that person's designee.

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d. In addition to supervision required by law, Michael J. Ryan or other broker-employer will notify the Department if he knows or has reason to believe that Respondent Sheldon M. Salant has violated the terms and conditions of this Final Decision and Order.

e. Respondent Sheldon M. Salant shall not transfer affiliation or employment from RE/MAX Metropolitan Realtors, Inc. unless he files with the Department a written confirmation from his prospective broker-employer to abide by the terms and conditions of this Final Decision and Order, including but not limited to paragraph "d" above.

IT IS FURTHER ORDERED, that the Real Estate Board shall close investigative file # 89 REB 110.

Dated this 28th day of June, 1990

WISCONSIN REAL ESTATE BOARD

by:

A handwritten signature in cursive script, appearing to read "John J. Sachlman", written over a horizontal line.

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	89 REB 110
SHELDON M. SALANT,	:	
RESPONDENT.	:	

It is hereby stipulated between Sheldon M. Salant, personally on his own behalf; Michael J. Ryan, in his capacity as broker-employer with RE/MAX Metropolitan Realtors, Inc. and only with respect to paragraph 7 below; and the Department of Regulation and Licensing, Division of Enforcement by its Attorney Richard Castelnuovo, as follows:

1. This Stipulation is entered into as a result of a pending investigation against Sheldon M. Salant ("Respondent") by the Division of Enforcement (89 REB 110). Respondent consents to the resolution of this investigation by stipulation and without issuance of a formal complaint.
2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.
4. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to execution of this Stipulation.
5. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, except he denies any allegation that his violation of law is substantially related to his practice as a real estate broker or salesperson; nonetheless, he agrees that the Board may find that his violation is so related, and further agrees that the Board may reach the conclusions set forth in the Conclusions of Law, and may enter the Order limiting the Respondent's license and permitting him to practice under specified terms and conditions.
6. With respect to the Order, Respondent specifically agrees to the following disciplinary action against him:
 - a. his real estate broker's license (# 43436) shall be limited for a

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Dept. of Regulation & Licensing
Division of Enforcement

period of Eighteen (18) months (hereinafter the Eighteen (18) month period beginning with the date of the Final Decision and Order will be referred to as the "designated period") as follows:

i. He shall engage in the practice of real estate only in affiliation with RE/MAX Metropolitan Realtors, Inc, 2901 West Beltline Hwy., #113, Madison, WI 54713 under the supervision of Michael J. Ryan, and shall transfer affiliation or employment only in accordance with paragraph "iv" below.

ii. He shall not maintain a trust account in his own name.

iii. He shall promptly submit real estate trust funds to his broker-employer or that person's designee, whenever he shall receive any such funds.

iv. He shall transfer affiliation or employment from RE/MAX Metropolitan Realtors, Inc. only after he files with the Department of Regulation and Licensing ("Department") a written confirmation from his prospective broker-employer to abide by the terms and conditions of the Order, including paragraph "7" below.

b. The limitation on his license as disposition of this matter takes into consideration his discharge from probation after one year and other mitigating factors.


7. Michael J. Ryan is not a Respondent in this disciplinary proceeding, and is signing in his capacity as a broker-employer. In addition to supervision required by law, Michael J. Ryan agrees to abide by the terms and conditions of the Order as they relate to him as a broker-employer, and specifically agrees that he will notify the Department if he knows or has reason to believe that Respondent Sheldon M. Salant has violated the terms and conditions of the Order.

8. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

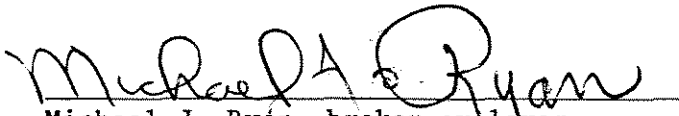
9. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

10. Respondent agrees that complainant's attorney, Richard M. Castelnovo, may appear at any deliberative meeting of the Board with respect to this stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.


11. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


Sheldon M. Salant

06/05/90
Date


Michael J. Ryan, broker-employer
RE/MAX Metropolitan Realtors, Inc.

6-5-90
Date


Richard M. Castelnuevo, Attorney
Division of Enforcement

6/11/90
Date

