

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD  
IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

CRAIG L. BERRY,  
RESPONDENT

FINAL DECISION AND ORDER  
LS9912094REB

**Division of Enforcement Case No. 99 REB 103**

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

*Craig L. Berry  
7728 W Brentwood Avenue  
Milwaukee, WI 53223*

*Real Estate Board  
PO Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
PO 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 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. Craig L. Berry (D.O.B. 11/17/67) is duly licensed to practice as a Real Estate Salesperson in the state of Wisconsin (license #46833). This license was first granted on March 24, 1997.
2. Respondent's most recent address on file with the Wisconsin Real Estate Board is 7728 West Brentwood Avenue, Milwaukee, WI 53223.
3. On or about January 7, 1997, Respondent submitted an application for a Real Estate Salesperson's License.
4. In conjunction with his application materials, Respondent failed to fully disclose his history of criminal convictions, in that he failed to disclose a December 19, 1996 conviction for violation of 21 USC §841(1)(a). A true and correct copy of the Indictment and Amended Judgment for this conviction are attached to this document as Exhibit A. Exhibit A is incorporated by reference into this Order.
5. Respondent has completed his term of imprisonment and is currently serving a probationary term of 4 years.
6. In resolution of this matter, Respondent consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to sec. 452.14, Stats.
2. By the conduct described above, respondent violated sec. 452.14(3)(a), Stats.

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Respondent Craig L. Berry is **REPRIMANDED**.

### **SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS**

#### **Disclosure**

2. Respondent shall provide any current or prospective real estate employers with a copy of this Final Decision and Order immediately upon its issuance and upon any change of employment during the time in which the Order remains in effect.

#### **Required reporting**

3. Respondent shall arrange for quarterly reports from his supervising broker(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, PO Box 8935, Madison, Wisconsin 53708-8935 on a schedule as directed by the Department Monitor. An employer shall report **immediately** to the Department Monitor [Division of Enforcement, PO Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608)261-7938] any violation or suspected violation of the Real Estate Board's Final Decision and Order.
4. Respondent shall report to the Department Monitor any change in employment status, change of residence address or phone number, within fifteen (15) days of any such change.

#### **Practice restrictions**

5. Until such time as approved by the Board, Respondent shall practice only in settings where he works under supervision by another licensed real estate broker approved by the Board.
6. Respondent shall comply with all terms of probation and/or parole imposed upon him, and make arrangements with his probation/parole officer to notify the Real Estate Board immediately of any violation of probation/parole terms. Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his probation and/or parole records.
7. If Respondent's probation officer recommends work restrictions in the field of real estate in addition to the restrictions included in this order, Respondent shall restrict his practice in accordance with such recommendations.
8. In response to an adverse report from Respondent's probation officer or employer, the Real Estate Board reserves the right to require drug screens sufficient to monitor Respondent for the presence in his blood, hair or urine of controlled substances as a condition of continued licensure. The Board may establish a minimum schedule of testing for these substances. Testing shall be performed and results reported in a manner consistent with current monitoring requirements of the Department.

#### **Forfeiture**

9. Within sixty (60) days from the date of this Order, Respondent shall submit a FORFEITURE in the amount of FIVE HUNDRED dollars [\$500.00]. Payment of all costs and forfeitures shall be made via certified check or money order payable to the Wisconsin Department of Regulation and Licensing, Attn: Department Monitor, PO Box 8935, Madison, WI 53708.

#### **Costs**

10. Within sixty (60) days from the date of this Order, Respondent shall pay partial costs of this proceeding in the amount of TWO HUNDRED dollars [\$200.00]. Payment of all costs and forfeitures shall be made via certified check or money order payable to the Wisconsin Department of Regulation and Licensing, Attn: Department Monitor, PO Box 8935, Madison, WI 53708.

### **PETITIONS FOR MODIFICATION OF TERMS**

11. Respondent may petition the Board at any time following successful completion of his criminal probation to revise or eliminate any of the above conditions. The Real Estate Board may in its discretion require that Respondent personally appear before the Board in conjunction with a petition under this paragraph to answer any questions the Board may have concerning his rehabilitation. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42.

**Department monitor**

12. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows:

Department Monitor

Department of Regulation Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

FAX (608) 266-2264

TEL. (608) 261-7938

**SUMMARY SUSPENSION**

**13. In the event that Mr. Berry fails to timely comply with the terms and conditions set forth above, his real estate salesperson's license may be SUSPENDED, without further notice or hearing, until such time as he has complied with the terms of this Order. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license.**

**EFFECTIVE DATE OF ORDER**

14. This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By:

James Imhoff

December 9, 1999

On behalf of the Board

Date