

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION	:	
FOR LICENSE OF	:	FINAL DECISION
	:	AND ORDER
STEVEN GOTTSCHALK,	:	LS0304291REB
APPLICANT.	:	

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 31st day of July, 2003.

Donsia Strong Hill, Secretary
Department of Regulation and Licensing

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

STEVEN T. GOTTSCHALK,

Applicant

PROPOSED DECISION

The parties to this proceeding, for the purposes of § 227.53, Stats., are:

Steven T. Gottschalk

115 4th Street, #24

Montello, WI 53949

Department of Regulation & Licensing

Division of Enforcement

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708

Department of Regulation & Licensing

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708

A Class I hearing was conducted in the above-captioned matter on June 25, 2003, at 1400 East Washington Avenue, Madison, Wisconsin. Applicant Steven Gottschalk did not appear. The Division of Enforcement appeared by Attorney Claudia Berry Miran.

Based upon the entire record in this case, the administrative law judge recommends that the department of Regulation & Licensing adopt as its final decision in the matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Steven T. Gottschalk (Mr. Gottschalk), applicant herein, filed his application for a license to practice as a real estate salesperson by application dated February 6, 2003. On his application, Mr. Bell indicated five convictions of issuing worthless checks and three convictions of Theft.

2. By letter dated February 26, 2003, the Department of Regulation & Licensing (department) denied the application. The letter of denial cites as the basis for the denial the eight convictions. Mr. Gottschalk timely filed his request for a hearing on the denial of his application.

3. Mr. Gottschalk failed to appear for the hearing in this matter.

4. The circumstances of the convictions of issuing worthless checks and of theft are substantially related to the practice of a real estate salesperson.

CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter under § 452.05, Stats.

2. The circumstances of Mr. Gottschalk's convictions are substantially related to the circumstances of the practice of a real estate salesperson for the purposes of § 11.335(1)(c), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the denial of the application of Steven T. Gottschalk for licensure as a real estate salesperson be, and hereby is, affirmed.

OPINION

Because Mr. Gottschalk failed to appear for the hearing which he had requested, this record lacks sufficient evidence to support a reversal of the department's decision to deny the application. The Division of Enforcement did include in its exhibits a letter from Mr. Gottschalk's former employer, Joe Sauve of Universal Silencer; a letter from Gregory A. Slayton, the real estate broker for whom Mr. Gottschalk is or was employed as an assistant; and a memo from K.J. Dickman, Mr. Gottschalk's probation officer. Mr. Sauve and Mr. Slayton both support Mr. Gottschalk's licensure. Mr. Dickman's memo indicates that Mr. Gottschalk "has complied marginally with probation," but concludes that the only concern he would have with licensing Mr. Gottschalk "would revolve around what role he would play in handling any monies." Had Mr. Gottschalk provided testimony and other evidence in mitigation of the various convictions, that evidence combined with the supporting letters might militate for issuance of some kind of limited license. Absent such evidence, and given that the circumstances of convictions for theft and issuing worthless checks unquestionably relate to the circumstances of the practice of real estate, there is not sufficient basis for deciding that the department's initial determination was not fully justified.

Dated this 10th day of July, 2003.

Respectfully submitted,

Wayne R. Austin

Administrative Law Judge