

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF APPLICATION FOR	:	
REAL ESTATE SALESPERSON'S	:	FINAL DECISION
LICENSE FOR	:	AND ORDER
	:	
CURTIS D BROWN	:	LS0506101REB
Applicant	:	

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Curtis D. Brown
1726 W. State Street
Milwaukee WI 53233

Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Based upon the Stipulation and information of record herein, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Curtis D. Brown (Applicant) has filed an application for a credential to practice as a real estate salesperson in Wisconsin.
2. Information received in the application process reflects that on or about February 4, 2000, Applicant was convicted of violation of Wis. Stat. §§ 943.50(1m)(b) [retail theft], 346.04(3) [vehicle operator flee/elude officer] and 346.67(1)(a) [hit and run]. On or about February 21, 2001, Applicant was convicted of violation of 961.41(1m)(h)1 [possession with intent to deliver – THC].
3. The department and Applicant have entered into a Stipulation, by which the Department agrees to issue, and Applicant agrees to accept a limited real estate timeshare salesperson's license, subject to specified terms and conditions.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 452.05(1)(a) and authority to enter into a stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
2. The facts and circumstances of the convictions referenced above are substantially relate to the practice of a real estate salesperson, and Applicant by that conduct is subject to disciplinary action against his license pursuant to Wis. Stat. § 452.14(3).

ORDER

NOW, THEREFORE, IT IS ORDERED that Curtis D. Brown is GRANTED a REAL ESTATE SALESPERSON'S LICENSE subject to the following LIMITATIONS, TERMS AND CONDITIONS.

Sobriety

1. Applicant shall abstain from all personal use of alcohol and controlled substances as defined in § 961.01(4), Stats., except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Applicant shall

disclose Applicant's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant's treatment with, and provide copies of treatment records to, treatment provider and the Department or Department Monitor.

2. Applicant shall refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation.

Requirements for AODA Assessment / Treatment

3. Within sixty days from the date of this Order, Applicant shall submit the results of a current AODA assessment to the Department Monitor. The Assessment shall be conducted following the date of this Order and shall be performed by a treatment provider acceptable to the Department. Applicant shall provide the person(s) performing his assessment with a copy of this Final Decision and Order as well as with access to any prior assessments and/or prior treatment records.

If the results of the assessment recommend counseling or other treatment, Applicant shall immediately enter into and maintain participation through completion of treatment in the areas recommended by the assessment. Treatment programs shall be pre-approved by the Department:

Applicant shall participate in, cooperate with and follow all treatment recommendations of his treatment providers.
4. If continued treatment is required, Applicant shall provide his treatment providers with a copy of this Final Decision and Order.
5. If continued treatment is required, Applicant's AODA treatment provider shall be responsible for coordinating Applicant's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Applicant's AODA treatment provider becomes unable or unwilling to continue to serve as a treatment provider, Applicant shall immediately seek approval of a successor treatment provider by the Department or Department Monitor.
6. If continued treatment is required, the rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by treatment provider. The Department reserves the right to set minimum therapy/treatment requirements for Applicant. Therapy may end only upon a determination by the Department or Department Monitor pursuant to a petition by Applicant for modification.
7. If continued treatment is required, Applicant's treatment providers shall submit formal written reports to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's progress, compliance and cooperation in the applicable program. The treatment providers shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

8. If applicable, Applicant shall provide and keep on file with his treatment providers, all treatment facilities and personnel, laboratories and collections sites, current releases complying with state and federal laws. The releases shall allow the Department, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to:
(a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
(b) discuss the progress of Applicant's treatment and/or rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.

Drug and Alcohol Screens

9. Within thirty (30) days of this Order, Applicant shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department ("Approved Program"). A list of Approved Programs pursuant to Wis. Adm. Code § RL 7.11 is available from the Department Monitor.
10. At the time Applicant enrolls in an Approved Program, Applicant shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a violation of this Order. The requirements shall include:
 - (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b.) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

11. Applicant is responsible for obtaining urine screens at a frequency of not less once than every other week. The frequency of may be reduced only upon a determination by the Department or Department Monitor pursuant to Applicant submitting a petition for modification of the terms of this Order.
12. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the treatment provider or the Department or Department Monitor shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
13. In addition to any requirement of the Approved Program, the Department or Department Monitor may require Applicant to: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, or (c) furnish any specimen in a directly witnessed manner.
14. All confirmed positive test results shall be presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.
15. The Approved Program shall submit information and reports to Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11. The Approved Program shall immediately report to treatment provider all specimens suspected to have been tampered with or which are positive or suspected positive for controlled substances or alcohol.

Practice Limitations

16. Applicant shall practice only under the general supervision of a licensed real estate broker approved by the Department or Department Monitor and only in a work setting pre-approved by the Department or Department Monitor.
17. Applicant shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Applicant works or applies to work as a real estate salesperson.
18. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

DEPARTMENT MONITOR

19. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Regulation and Licensing Division of Enforcement
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264 Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

Required Reporting

20. It is Applicant's responsibility to arrange for written reports from supervisors to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's work performance.
21. If continued treatment is required, Applicant's treatment providers shall submit formal written reports to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's progress, compliance and cooperation in the applicable program. The treatment providers shall report immediately to the Department Monitor any violation or suspected violation of this Order.
22. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant and any failures of the Approved Program or collection sites to conform to the terms and conditions of this Order.

Change of Treatment Provider or Approved Program by Department

23. If the Department or Department Monitor determines the Approved Program (or, if applicable, the treatment provider) has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Department or Department Monitor may direct that Applicant continue treatment and rehabilitation under the direction of another treatment provider or Approved Program.

Petitions for Modification

24. Applicant may petition the Department for modification of the terms of this Order at any time following one year from the effective date of this Order. Any such petition shall be accompanied by a written recommendation from Applicant's supervising broker (and if applicable Applicant's treatment provider) expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of §227.01(3)(a), Stats., and Applicant shall not have a right to any further hearings or proceedings on the denial.
25. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Additional Discipline

26. A violation of any term of this Order may be the basis for a summary suspension or separate disciplinary action under Wis. Stat. § 452.14.

Dated at Madison, Wisconsin this 10th day of June, 2005.

Steven M. Gloe
On behalf of the Department of
Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF APPLICATION FOR	:	
REAL ESTATE SALESPERSON’S	:	
LICENSE FOR	:	
	:	STIPULATION
CURTIS D BROWN	:	LS _____
Applicant	:	

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Regulation and Licensing as follows:

The Applicant has filed an application for a real estate salesperson’s license. Information received by the Department reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order issuing a limited real estate salesperson’s license subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this ____ day of _____, 2005

CURTIS D BROWN

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

Dated this ____ day of _____, 2005.

By: _____
STEVEN M. GLOE