

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE APPLICATION FOR :  
A REAL ESTATE SALESPERSON’S LICENSE FOR :  
 : FINAL DECISION AND ORDER  
SCOTT T WEIKEL : LS 0505263REB  
APPLICANT. :

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

Scott T. Weikel  
104 James Avenue  
Rothschild WI 54474

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. Scott T. Weikel (Applicant) has filed an application for a credential to practice as a real estate salesperson in the state of Wisconsin.
2. Information received in the application process reflects that the Applicant has a history of ordinance violations and conviction related to driving while intoxicated. In addition, Applicant was convicted on or about October 12, 1998 for bail jumping. Applicant’s last conviction for operating a motor vehicle while intoxicated occurred on July 25, 2000 [felony (6<sup>th</sup> offense)].
3. The Department and Applicant have entered into a Stipulation by which the Department agrees to issue, and Applicant agree accept a limited real estate 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 related to the practice of a real estate salesperson and Applicant by that conduct is subject to action against his license pursuant to Wis. Stat. § 452.14.

## ORDER

NOW, THEREFORE, IT IS ORDERED that SCOTT T. WEIKEL is GRANTED a REAL ESTATE SALESPERSON'S LICENSE, subject to the following LIMITATIONS, TERMS AND CONDITIONS:

### Compliance with Probation

1. Applicant shall comply with all terms of probation and/or parole imposed upon him, and make arrangements with his probation/parole officer to notify the Department Monitor **immediately** of any violation of probation/parole terms. In addition, Applicant shall provide his probation officer with a copy of this Final Decision and Order immediately. Applicant shall make arrangements for the submission of quarterly reports from his probation/parole office attesting to the status of his participation in probation/parole. Applicant shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his probation and parole records.

### AODA Treatment

2. Applicant shall maintain participation in the drug and alcohol treatment program as mandated as a term of his probation. Applicant shall participate in, cooperate with, and follow all treatment recommended by his AODA Treatment Provider.
3. Applicant shall immediately provide his Treatment Provider with a copy of this Final Decision and Order.
4. Applicant's Treatment Provider 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 c/o 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](mailto:department.monitor@drl.state.wi.us)
5. 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.
6. Applicant's Treatment Provider shall submit formal written reports to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's progress in the drug and alcohol treatment program. The Applicant's Treatment Provider shall report immediately to Department Monitor any violation or suspected violation of this Order.

### Releases

7. Applicant shall keep current releases complying with state and federal laws on file with his Probation Agent, Treatment Provider, all treatment facilities and personnel, laboratories and collections sites. 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 rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.

### Sobriety

8. Applicant shall abstain from all personal use of alcohol.
9. Applicant shall abstain from all personal use of 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, his Treatment Provider and the Department or Department Monitor.
10. 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.

### Drug and Alcohol Screens

11. Applicant shall comply with any request by an employer or his probation officer for a screen for alcohol or controlled substances. In addition, the Department reserves the right to request one or more screens for alcohol or controlled substances, should the Department in its discretion believe a screen is warranted on the basis of a report received. Upon notification the need for a screen, applicant shall comply with obtaining a screen within five [5] hours of notification. All screens shall be performed according to standard department procedures, and 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. Applicant shall be responsible for all costs associated with obtaining screens.

### Department Monitor

12. 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  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264 Telephone (608) 267-3817  
Email: department.monitor@drl.state.wi.us

### Required Reporting

13. Applicant shall report to the Department any change of address of employment status, residence address or telephone number within five (5) days of the date of a change.
14. Applicant shall make arrangements for the submission of quarterly reports from his probation/parole office attesting to the status of his participation in probation/parole.
15. 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 the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant and any failures of the Treatment Provider, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order.

### Change of Treatment Provider or Approved Program by Department

16. If the Department or Department Monitor determines 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

17. Applicant may petition the Department for modification of the terms of this Order at any time. Any such petition shall be accompanied by a written recommendation from Applicant's probation officer and 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.

#### Costs of Compliance

18. 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.

#### Summary Suspension

19. A violation of any term of this Order may be the basis for a summary suspension of licensure pursuant to Wis. Admin Code ch. RL 6 or separate disciplinary action under Wis. Stat. § 452.14.

Dated at Madison, Wisconsin this 26th day of May, 2005.

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