

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

Randall G. Wedig
6604 Pine Lane
Platteville, WI 53818

Department of Regulation and Licensing
Division of Enforcement
PO Box 8915
Madison, WI 53708-8915

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 Department Secretary. The Department Secretary has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Randall G. Wedig was born on September 25, 1968. Mr. Wedig's most recent address on file with the Department of Regulation and Licensing ("Department") is: 6604 Pine Lane, Platteville, Wisconsin 53818.
2. Mr. Wedig applied for a real estate salesperson's license on or about April 11, 2005. The Department denied Mr. Wedig's application on June 27, 2005.
3. Mr. Wedig made a timely request for hearing on the denial of his application for a license.
4. The application for a real estate salesperson's license requires that the applicant answer question "A" under "STATEMENT OF ARREST OR CONVICTION" that states:
A. Have you ever been convicted of a misdemeanor or a felony or driving while intoxicated (DWI), in this or any other state, OR are criminal charges or DWI charges currently pending against you? IF YES, complete and attach Form #2252.
5. Mr. Wedig's response to question "A" was to check the box marked "Yes" and he included with his application Form #2252 and information which indicated the following:

An OWI Offense dated January 28, 2005 that would result in a misdemeanor conviction, in the State of Wisconsin Iowa County Circuit Court Case No. 2005CJ000011, dated April 12, 2005. Mr. Wedig's sentence consisted of twenty (20) days in the local jail with Huber Privileges, a forfeiture/fine of \$1,682.00, an alcohol assessment program and revocation of his driver's license for fourteen (14) months.

A felony conviction dated November 25, 2002, for one (1) count of Theft-Business Setting, a Felony, contrary to Wis. Stat. §§ 943.20(1)(b) and (943.20(3)(c) Penalty-Theft if value >\$2500), and 5 counts of Forgery-Writings or Objects, a Felony, contrary to Wis. Stat. § 943.38(1)(a), in the State of Wisconsin Rock County Circuit Court Case No. 2001CF002900. The sentence was withheld and Mr. Wedig was placed on probation for five (5) years, ordered to pay restitution in the amount of \$15,086.26 and complete a psychiatric treatment program and pay costs.

6. In addition to the 2002 felony conviction and the 2005 OWI offense that Mr. Wedig listed on his application, a criminal background check confirmed that Mr. Wedig has also been convicted of several other crimes which were not listed on his application. These convictions are as follows:

June 1, 1990, conviction for Operating After Suspension or Revocation Misdemeanor, contrary to Wis. Stat. § 343.44(1), in the State of Wisconsin Dane County Circuit Court Case No. 1990CT001070. Mr. Wedig was sentenced to ten (10) days in the local jail and his driver's license was revoked for 6 months.

March 27, 1996, convictions for two (2) counts of Battery (939.62 Habitual criminality), Misdemeanors, contrary to Wis. Stat. § 940.19(1), in the State of Wisconsin Grant County Circuit Court Case No. 95CF000147. The sentence was withheld and Mr. Wedig was placed on probation for three (3) years.

October 26, 1999, conviction for Operating while Intoxicated (I^m), contrary to Wis. Stat. § 346.63(1)(A), in the State of Wisconsin Grant County Circuit Court Case No. 1999TR004770. Mr. Wedig was to complete an alcohol assessment and pay a forfeiture/fine and his license was suspended for seven (7) months.

MITIGATING CIRCUMSTANCES

On April 26, 2005, the Department received a letter from Mr. Wedig. In the letter, Mr. Wedig admitted to the mistakes that he had made in his life. Mr. Wedig stated that he was currently seeking counseling in order to resolve personal issues in his life. Mr. Wedig also stated that since his January 2005 arrest, he has not had any alcohol. Because Mr. Wedig's driver's license had been revoked for fourteen months, Mr. Wedig stated that he has been carpooling to work at Schoepf Motors with co-workers. At the time of this letter, Mr. Wedig was employed by Schoepf Motors but stopped working there around June 2005. While employed at Schoepf Motors, Mr. Wedig used most of his money towards making his restitution payments. The Department has since learned that Mr. Wedig has remained unemployed since June 2005 but continues to seek employment.

On August 10, 2005, the Department received a letter from Mr. Wedig's counseling program, Lutheran Social Services. Mr. James Thompson of Lutheran Social Services stated that Mr. Wedig had begun receiving treatment for alcohol and substance abuse from Lutheran Social Services since February 10, 2005. Mr. Thompson indicated that Mr. Wedig completed the program and graduated with a good prognosis on August 9, 2005. Mr. Thompson's assessment of Mr. Wedig was that Mr. Wedig had done well in the program by complying with all the requirements of the program, completing all of his assignments and following all of the recommendations of the primary treating therapist.

On August 22, 2005, the Department received a statement from Mr. Wedig's probation agent, Mary J. Jones from the Wisconsin Department of Corrections. Ms. Jones stated that she had been supervising Mr. Wedig for approximately four months. Ms. Jones stated that Mr. Wedig had paid \$11,500 for restitution owed from his 2002 felony conviction. Ms. Jones stated that Mr. Wedig currently owes \$1,415.57 in restitution. Ms. Jones stated Mr. Wedig's behavior improved in reporting to her as scheduled. Ms. Jones also stated that Mr. Wedig reported to her that he had to serve 12 days in Iowa County for his second offense of a DWI. Overall, Ms. Jones stated that Mr. Wedig seemed to be in compliance and doing what he needed to do per the court's order.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction over this matter, pursuant to Wis. Stat. § 227.42.
2. The Department of Regulation and Licensing is authorized to enter into the Stipulation, pursuant to Wis. Stat. § 227.44(5).
3. The conviction record detailed above constitutes convictions that substantially relate to the practice of real estate within the meaning of Wis. Stat. § 111.335(1)(c) and the Department's initial denial of Mr. Wedig's application was not an abuse of discretion.
4. The Department may consider other factors in the decision whether to issue a license, and it has the authority under Wis. Stat. §§ 452.05 (1)(a) and 452.14 (4m)(b) to issue a limited license to Mr. Wedig.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Randall G. Wedig is granted a limited real estate salesperson's license for a period of not less than three years subject to the following terms and conditions:
 - a. The effective date of the license shall be the date upon which the Department Secretary dates and signs this Order.
 - b. Mr. Wedig shall practice as a real estate salesperson only as an employee of an employer (Supervising Broker Employer) who is a Wisconsin licensed real estate broker or real estate entity who agrees to comply with issuing quarterly reports.
 - c. Mr. Wedig shall file with the Department quarterly reports within 5 days before or after the following days:
February 1, 2006;
May 1, 2006;
August 1, 2006;
November 1, 2006;
and every February 1, May 1, August 1, and November 1 until further order of the Department.

2. Each report shall include:
 - a. The name, address and telephone number of applicant and name, address and telephone number of the applicant's broker-employer.
 - b. A statement from Mr. Wedig as to whether or not he has been convicted of a crime (including Driving While Intoxicated (DWI) or Operating While Intoxicated - OWI) during the term of the Order OR if criminal charges are pending.
 - c. A statement from Mr. Wedig confirming his compliance with all the terms of his limited license and with the statutes and rules governing the practice of a real estate salesperson.
 - d. A statement from the broker-employer evaluating Mr. Wedig's performance as a real estate salesperson and whether or not he has followed all guidelines and requirements of the broker-employer.
3. Mr. Wedig shall comply with all terms of probation imposed upon him and immediately notify the Department of any violation of probation terms.
4. Mr. Wedig shall immediately provide evidence to the Department from the Department of Corrections after successfully paying off the remaining balance of his restitution.
5. Mr. Wedig shall not personally receive, hold or disburse "client funds", as that term is defined in Wis. Stat. § 452.13(1)(a).

452.13 Trust accounts. (1) DEFINITIONS. In this section:

(a) "Client funds" means all down payments, earnest money deposits or other money related to a conveyance of real estate that is received by a broker, salesperson or time-share salesperson on behalf of the broker's, salesperson's or time-share salesperson's principal or any other person. "Client funds" does not include promissory notes.

6. Mr. Wedig shall not perform real estate activities under a different broker-employer without permission, in advance, from the Department of Regulation and Licensing, and unless the new broker-employer agrees, in writing, that the terms of this limitation will be complied with and that the new broker-employer will cooperate with the applicant in the preparation and submit to the Department of the required reports.
7. Mr. Wedig shall provide a complete copy of the Department's Final Decision and Order to his broker-employer and arrange for his broker-employer to immediately notify the Department Monitor if the applicant violates the terms of the Order.

8. The limitations contained in this Order, in whole or in part, may be removed only upon a showing of successful compliance with all of the terms of this Order and in no event earlier than three years from the date of the signing of this Order by the Department Secretary. Mr. Wedig may petition the Department for the issuance of a real estate salesperson's license without limitations following the three year limitation period.

9. Failure by Mr. Wedig to timely comply with the terms of this limitation shall result in the revocation of his limited real estate salesperson's license without further notice or hearing or other proceedings.
10. Any further criminal conviction (including DWI or OWI) shall result in the revocation of Mr. Wedig's limited real estate salesperson's license without further notice or hearing or other proceedings.
11. Mr. Wedig shall immediately notify the Department in writing of any changes in employment and personal information as it relates to the limitations of his real estate salesperson's license.
12. Any reports or documentation that needs to be received by the Department to show compliance with the terms of this Order shall be addressed to:

Department of Regulation and Licensing
Department Monitor
Division of Enforcement
P.O. Box 8915
Madison, WI 53708-8915
(608) 261-7904 (phone)

(608) 266-2264 (fax)

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

Dated this 29th day of November, 2005

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary