

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION FOR :
A REAL ESTATE SALESPERSON LICENSE FOR : ORDER GRANTING
 : LIMITED LICENSE
SCOT M EDER, : LS _____
APPLICANT. :

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

Scott M Eder
1303 15th Ave E Apt 3
Menomonie WI 54751

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

FINDINGS OF FACT

1. Scott M. Eder (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
 - a. On or about November 15, 2005 Applicant was convicted of violation of Wis. Stat. §961.41(3g)(e) [possession of THC]

CONCLUSIONS OF LAW

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

ORDER

NOW, THEREFORE, IT IS ORDERED that Scott M. Eder 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), Stat., except when prescribed, dispensed or administered by a health care 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 that may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's

treatment and rehabilitation.

Releases

3. Applicant shall provide and keep on file with all facilities and personnel, laboratories and collections sites and (if applicable) his treatment provider, 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 rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.

Drug and Alcohol Screens

4. Applicant shall comply with any request by an employer 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 Monitor 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.

Treatment

5. The Department reserves the right, based upon reports received, to require Applicant upon notification by the Department Monitor to enter into and maintain participation in a program of treatment for drug and alcohol abuse/dependency through completion and discharge from treatment. Applicant shall cooperate with and follow all treatment recommendations of his treatment providers. Upon discharge, Respondent shall submit a copy of his discharge summary to the Department Monitor.
6. If treatment is required, 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, 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.

Practice Limitations

7. Applicant shall practice only under the general supervision of a Wisconsin licensed real estate broker approved by the Department or Department Monitor. Approval shall be obtained prior to engaging in real estate practice.

Required Reporting

8. 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.
9. Applicant shall arrange for written reports from his supervisor(s) to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's work performance, describe the Respondent's sales activities and verify that he is in compliance with the Wisconsin laws governing the practice of real estate as well as with the terms of this Order.
10. 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.
11. 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.

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
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) (608) 261-7904
Department.monitor@drl.state.wi.us

Petitions for Modification

13. Applicant may petition the Department for modification of the terms of this Order after one year from the effective date of this order. Any such petition shall be accompanied by a written recommendation from Applicant's employer 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), Stat., and Applicant shall not have a right to any further hearings or proceedings on the denial.

Costs

14. Applicant shall be responsible for all costs and expenses incurred in conjunction with compliance with the terms of this Order.

Summary Suspension / Additional Discipline

15. The Department may in its discretion revoke Applicant's limited license without further notice or hearing or other proceeding if Applicant fails to timely comply with the terms of this Order and/or upon any further criminal conviction of Applicant. Violations of this Order may in the alternative be the basis for a summary suspension under Wis. Admin. Code § RL 6 or separate disciplinary action under Wis. Stat. § 440.26(6).

Dated at Madison, Wisconsin this 30th day of November, 2006.

Steven M. Gloe
On behalf of the Department of

