

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION FOR :
A REAL ESTATE SALESPERSONS LICENSE FOR :
LAKEYCIA HOWARD, : FINAL DECISION AND ORDER
APPLICANT. :

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

LakeyCIA Howard
9202 W Riverwoods Dr
Milwaukee WI 53224

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

FINDINGS OF FACT

1. LakeyCIA Howard (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 June 20, 1994 Applicant was convicted of violation of Wis. Stats. §§ 940.19(1) and 939.05 [battery – p: a crime];
 - b. On or about June 20, 1994 Applicant was convicted of violation of Wis. Stats. § 943.50(1m)(a) [retail theft];
 - c. On or about September 24, 1997 Applicant was convicted of violation of [REDACTED] [retail theft];
 - d. On or about September 24, 1997 Applicant was convicted of violation of [REDACTED] [disorderly conduct];
 - e. On or about September 6, 1995 Applicant was convicted of violation of Wis. Stats. §§ 941.30(2) and 939.05 [second degree recklessly endangering safety-PTAC];
 - f. On or about April 17, 2002 Applicant was convicted of violation of [REDACTED] [operate unregistered vehicle];
 - g. On or about October 14, 2002 Applicant was convicted of violation of Wis. Stats. §946.41(1) [resisting or obstructing officer];
 - h. On or about April 20, 2006 Applicant was convicted of violation of Wis. Stats. § 946.49(1)(a) [bail jumping];
 - i. On or about September 1, 2006 Applicant was convicted of violation of Wis. Stats. § 946.49(1)(a) [bail jumping];

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stats. § 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 her conduct is subject to action against her license pursuant to Wis. Stats. § 452.14(3).

ORDER

NOW, THEREFORE, IT IS ORDERED that Lakeyia Howard 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 Wis. Stats. § 961.01(4), 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) her 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 his or her 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 her treatment providers. Upon discharge, Respondent shall submit a copy of her discharge summary to the Department Monitor.
6. If applicable, Applicant shall provide her treatment providers with a copy of this Final Decision and Order.
7. If treatment is required, Applicant's treatment provider shall submit formal written reports to the 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.

Anger Management

8. Within fifteen (15) days from the date of this Order, Applicant shall enter into a program of anger management treatment or training pre-approved as acceptable to the Department. Applicant shall participate in, cooperate with, and follow all recommendations of the provider of this program and through completion of the program.

Practice Limitations

9. Applicant shall practice only under the 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.
10. Applicant shall not personally receive, hold or disburse "client funds", as that term is defined in Wis. Stats. § 452.13(1)(a) until otherwise ordered by the Department.

Reporting Requirements

11. Applicant shall provide a copy of this Final Decision and Order her supervising broker at all settings where Applicant works as a real estate salesperson and (if applicable) to her treatment provider.
12. It is Applicant's responsibility to arrange for written reports from her supervising broker to be provided to Department

Monitor on a quarterly basis, as directed by Department Monitor. These reports shall describe the Respondent's sales activities and verify that she is in compliance with the laws governing the practice of real estate and the terms of this Order.

13. 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.
14. 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

DEPARTMENT MONITOR

15. 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

16. Applicant may petition the Department for modification of the terms of this Order after two years 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) her 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 Wis. Stats. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

Costs

17. 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 / Additional Discipline

18. The Department may without further notice, hearing or other proceeding revoke Applicant's limited license for any failure by Applicant to timely comply with the terms of this Order or if Applicant receives any further criminal conviction(s). In the alternative, the Department may proceed with summary suspension under Wis. Admin. Code RL Ch. 6 or with separate disciplinary action under Wis. Stats. § 440.26(6) for a violation of this Order

Dated at Madison, Wisconsin this 22nd day of November, 2006.

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