

# 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 SALESPERSONS LICENSE FOR :  
 : FINAL DECISION AND ORDER  
 ROCHELLE A. RUPNICK : LS \_\_\_\_\_  
 APPLICANT. :

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

Rochelle A Rupnick  
510 S 70<sup>th</sup> St  
Milwaukee WI 53214

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

FINDINGS OF FACT

1. Rochelle A. Rupnick (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 on or about June 6, 2006 Applicant was convicted of violation of W Stat. [battery].

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 her conduct is subject to action against her license pursuant to Wis. Stat. § 452.14(3).

**ORDER**

NOW, THEREFORE, IT IS ORDERED that ROCHELLE A. RUPNICK 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 which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation.

Anger Management

3. Within thirty (30) 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 complete the program.
4. The Department reserves the right to require additional participation by Applicant in anger management treatment with a

provider acceptable to the Department, should the Department Monitor in her discretion believe additional treatment is warranted on the basis of a report(s) received.

5. Prior to commencing the anger management program, Applicant shall provide the person(s) providing anger management training/treatment with a copy of this Final Decision and Order, together with the police report relating to her ordinance violation.
6. The program provider shall submit formal written reports to Department Monitor upon completion of the program, or otherwise as directed by Department Monitor. The reports shall assess Applicant's participation and progress in the program. The Provider shall report immediately to Department Monitor any failure to participate or other suspected violation of this Order.

#### Releases

7. Applicant shall provide and keep on file with all facilities and personnel, laboratories and collections sites and (if applicable) treatment provider(s) 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 these results and records with relevant personnel. Copies of these releases shall immediately be filed with Department Monitor.

#### Drug and Alcohol Screens

8. 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

9. 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 Department-approved 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 provider. Upon discharge, Respondent shall submit a copy of his discharge summary to the Department Monitor.
10. If treatment is required, Applicant shall provide his treatment provider with a copy of this Final Decision and Order.
11. 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 provider shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Practice Limitations

12. Applicant shall at all times practice as a real estate salesperson under the supervision of a broker approved by the Board. Approval shall be obtained through correspondence with the Department Monitor.
13. Applicant shall provide a copy of this Final Decision and Order to his supervising broker at all settings where Applicant works as a real estate salesperson and (if applicable) to his treatment provider.
14. It is Applicant's responsibility to arrange for written reports from his 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 he is in compliance with the laws governing the practice of real estate and the terms of this Order.
15. 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.
16. 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

17. 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

18. 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 and (if applicable) his 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

19. 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

20. The Department may revoke Applicant's limited license without further notice, hearing or other proceeding for failure by Applicant to timely comply with the terms of this Order or if Applicant receives any further criminal conviction(s). A violation of this Order may alternatively 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 29<sup>th</sup> day of November, 2006.

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

IN THE MATTER OF APPLICATION FOR  
REAL ESTATE SALESPERSON LICENSE FOR

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**STIPULATION**

ROCHELLE A RUPNICK  
Applicant

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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 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 license subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
ROCHELLE A. RUPNICK

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

By: \_\_\_\_\_  
Steven M. Gloe