

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 LICENSE TO PRACTICE : FINAL DECISION
AS A REAL ESTATE SALESPERSON, : AND ORDER
 : LS0602281REB
HELEN R. PATENAUDE, :
APPLICANT. :

Division of Enforcement Cast No. 06REB006

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached “Notice of Appeal Information.”

Dated this 19th day of June, 2006

Celia M. Jackson
Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :	
FOR A LICENSE TO PRACTICE	:
AS A REAL ESTATE SALESPERSON,	:
	:
HELEN R. PATENAUDE,	:
APPLICANT.	:
	:

PROPOSED DECISION
AND ORDER
Case No. LS0602281REB

[DOE Case No. 06REB006]

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

Ms. Helen R. Patenaude
153 N. Main Street #9
Oconto Falls, WI 54154

Department of Regulation and Licensing
Bureau of Business Licensure
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on March 23, 2006, before Administrative Law Judge Jacquelynn B. Rothstein. The Division of Enforcement appeared by attorney Mark Herman. Ms. Patenaude appeared *pro se*.

Based on the entire record in this case, the undersigned administrative law judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Helen R. Patenaude (dob 11/13/42) resides at 153 North Main Street #9 in Oconto, Wisconsin.
2. Ms. Patenaude applied for a real estate salesperson license on about December 8, 2005. The Department of Regulation and Licensing denied her application on December 21, 2005.
3. Ms. Patenaude was previously licensed as a Wisconsin real estate broker, beginning in July of 1989. Her broker’s license was revoked on March 24, 2004, and she was ordered to pay costs in the amount of \$4062.70. To date, Ms. Patenaude has not paid those costs.
4. Prior to the revocation, disciplinary action had been taken against Ms. Patenaude’s broker’s license in 1990 and 1998.
5. On March 27, 2006, the Department of Regulation and Licensing issued an Administrative Injunction against Ms. Patenaude prohibiting her from acting as a real estate broker.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to § 452.05, Wis. Stats.
2. By having failed to pay the costs imposed on her by the Real Estate Board Helen R. Patenaude is ineligible for a real estate salesperson license under § 440.22 (3), Wis. Stats.
3. Helen R. Patenaude has failed to demonstrate that she has met the eligibility requirements for a real estate salesperson credential under s. RL 1.08 (4), Wis. Admin. Code.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the application of Helen R. Patenaude for a real estate salesperson's license is **DENIED**.

OPINION

On or about December 8, 2005, Ms. Patenaude applied for a real estate salesperson license. Her application was denied on December 21, 2005, based on the revocation of her real estate broker's license, her failure to pay the costs of that matter, and her failure to demonstrate that she has been rehabilitated.

Ms. Patenaude was licensed as a Wisconsin real estate broker, beginning in July of 1989. Her broker's license was revoked on March 24, 2004, and she was ordered to pay costs in the amount of \$4062.70. To date, Ms. Patenaude has not paid those costs. In addition, disciplinary action was taken against Ms. Patenaude's broker's license in 1990 and 1998.

Furthermore, the undersigned has taken judicial notice of the most recent action against Ms. Patenaude, that is, an Order from the Department of Regulation and Licensing enjoining her from acting as a real estate broker. In that matter, Ms. Patenaude was found to have acted as a real estate broker following the revocation of her broker's license. An order enjoining her from continuing to act as a broker was therefore issued.

Section 227.01 (3) (a) of the Wisconsin Statutes defines an agency's grant or denial of a license as a Class 1 proceeding. An applicant who challenges that proceeding bears the burden of showing that such action was an abuse of discretion in that the agency either failed fairly to consider the facts before it or misapplied the applicable law. Ms. Patenaude did not demonstrate that the initial denial by Department of Regulation and Licensing was either wrong or an abuse of discretion. Consequently, the denial of her application for a real estate salesperson's license is affirmed.

Dated at Madison, Wisconsin, this 25th day of May, 2006.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION & LICENSING
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Jacquelynn B. Rothstein

