

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MATT C. WAHL,	:	
RESPONDENT.	:	LS0611304REB

Division of Enforcement Case No. 05 REB 006

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

Matt C. Wahl
3018 N. Downer Avenue
Milwaukee, WI 53211

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

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

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 Wisconsin Real Estate Board (“the Board”). The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Matt C. Wahl, D.O.B. 03/10/1974, is licensed as a real estate salesperson, having a limited license (# 94-63873) which was granted on 05/13/2005.
2. Wahl’s most recent address on file with the Wisconsin Department of Regulation and Licensing is 3018 N. Downer Avenue, Milwaukee, WI 53211.
3. Due to his 07/15/2004 conviction for misdemeanor possession of a controlled substance and his 08/26/1994 ordinance violation for disorderly conduct, underage drinking and possession of a controlled substance, Wahl was granted a limited real estate salesperson’s license on 05/13/2005.
4. Wahl was granted a limited real estate salesperson’s license pursuant to a Stipulation whereby he agreed to accept certain terms and conditions of licensure set forth in the Final Decision and Order granting his limited license. Among the terms and conditions Mr. Wahl agreed to were the following:

- a. that he abstain from all personal use of alcohol and controlled substances except for a legitimate medical condition as prescribed by a practitioner;
- b. that he participate in a drug monitoring program approved by the Department and follow all of the rules and procedures required by the drug monitoring program, including:

contact with the drug monitoring program on a daily basis including vacations, weekend and holidays;
production of a urine specimen at a collection site designated by the drug monitoring program within five hours of notification of a test;

- c. that he provide a minimum of 26 urine screens per year;
- d. that he arrange for quarterly written reports from his supervising broker and his probation agent to be provided to the Department Monitor, and that he is responsible for insuring the timely submission of these reports;
- e. that he promptly notify the Department Monitor of any suspected violations of the terms and conditions of the Order; and
- f. that the violation of any term of the Order may provide the basis for a summary suspension or a separate disciplinary action under Wis. Stat. § 452.14

5. Pursuant to the terms of the Order, Wahl enrolled in the FirstLab drug monitoring program.

6. On September 16, 2005, the Department Monitor sent Wahl a non-compliance letter informing Wahl that he had failed to make the required daily contact with FirstLab on 06/27/2005, 07/12/2005, 07/16/2005, 07/30/2005, 08/05/2005, 08/07/2005, 08/20/2005, 08/21/2005, and 08/24/2005 thru 09/11/2005, and also failed to appear for a scheduled urine test on 08/11/05 and 09/12/2005. The letter to Mr. Wahl stated that it served as a warning and a reminder that a violation of the Order may be the basis for a summary suspension or separate disciplinary action. The letter informed Mr. Wahl that failure to strictly follow the Department Order would cause the matter to be referred to the Division of Enforcement.

7. On October 26, 2005, the Department Monitor informed the Division of Enforcement that Wahl had repeatedly violated the terms of his Order. In addition to the violations described in the preceding paragraph, the Department Monitor informed the Division of Enforcement that Wahl violated the Order in the following ways: the work and probation reports due on 07/15/2005 were not received until 09/08/2005; work and probation reports due 10/15/2005 had not yet been received (they were eventually received on 12/14/2005); Wahl failed to call FirstLab on 10/08/2005, 10/15/2005 and 10/22/2005; Wahl was also scheduled but failed to appear for a test on 09/20/2005. The Department Monitor also informed the Division of Enforcement that documentation from FirstLab indicated that Wahl tested positive for Cannabinoid on 10/12/2005.

8. The Division of Enforcement's investigation revealed that Wahl tested positive for Cannabinoid two additional times, on 10/31/2005 and 11/21/2005.

9. On November 21, 2005, Wahl petitioned the Department for release from his limited license, claiming in his petition that he had been in compliance with the terms of the Order by submitting quarterly work reports and "calling First Labs [sic] on a daily basis for random drug screening."

10. Wahl's petition was denied by Department Order dated January 31, 2006 on the grounds that Wahl failed to maintain compliance with the terms of the Department's order by submitting late work and probation reports, by failing to call FirstLab on 46 dates, failing to appear for drug testing on seven scheduled dates, and by having three positive drug screens.

11. Review of the FirstLab reports to date shows that Wahl failed to call FirstLab a total of 105 times, on the following dates:

06/27/2005	09/06/2005	12/30/2005	03/10/2006	05/30/2006
07/12/2005	09/07/2005	12/31/2005	03/11/2006	05/31/2006
07/16/2005	09/08/2005	01/01/2006	03/16/2006	06/01/2006
07/30/2005	09/09/2005	01/02/2006	03/17/2006	06/02/2006
08/05/2005	09/10/2005	01/18/2006	03/21/2006	06/03/2006
08/07/2005	09/11/2005	01/21/2006	03/29/2006	06/04/2006
08/20/2005	10/08/2005	01/24/2006	04/07/2006	06/05/2006
08/21/2005	10/15/2005	01/28/2006	04/08/2006	06/06/2006
08/24/2005	10/22/2005	01/29/2006	04/15/2006	06/07/2006
08/25/2005	10/26/2005	02/02/2006	04/22/2006	06/08/2006
08/26/2005	10/27/2005	02/04/2006	05/06/2006	06/09/2006
08/27/2005	11/05/2005	02/10/2006	05/18/2006	06/10/2006
08/28/2005	11/12/2005	02/12/2006	05/20/2006	06/11/2006
08/29/2005	11/20/2005	02/14/2006	05/21/2006	06/12/2006
08/30/2005	11/23/2005	02/17/2006	05/22/2006	06/13/2006
08/31/2005	12/03/2005	02/18/2006	05/23/2006	06/14/2006
09/01/2005	12/08/2005	02/21/2006	05/24/2006	06/15/2006
09/02/2005	12/10/2005	02/23/2006	05/25/2006	06/16/2006
09/03/2005	12/15/2005	03/01/2006	05/26/2006	06/17/2006
09/04/2005	12/20/2005	03/03/2006	05/27/2006	06/18/2006
09/05/2005	12/29/2005	03/04/2006	05/28/2006	06/19/2006

In addition, Wahl was scheduled but failed to appear for a test a total of 18 times on the following dates:

08/11/2005	11/14/2005	01/03/2006	03/07/2006	05/12/2006
09/20/2005	12/08/2005	01/23/2006	03/24/2006	05/30/2006
10/27/2005	12/20/2005	01/26/2006	04/10/2006	06/05/2006
		02/10/2006	04/28/2006	
		02/14/2006		

12. Follow-up with the Department Monitor revealed that Wahl's work report due on 01/15/2006 was received on 01/17/2006. The 01/15/2006 probation report from Wahl's probation agent was received 01/30/2006 and it indicated that Wahl violated his probation by having the positive screens from FirstLab, but that Wahl's probation was **not** going to be revoked as a result. Wahl's probation agent related that when she confronted Wahl about the positive drug screens, Wahl did not deny that he had consumed marijuana. Wahl said that he had no explanation for his behavior other than the fact he felt "stressed out" from all the constraints that were placed on him.

13. In telephone conversations with the Division of Enforcement Investigator and Attorney, Wahl admitted that he had "slipped up" by not calling FirstLab on numerous occasions. Wahl's explanation was that his job as a real estate salesperson at Mid-America Real Estate required him to drive all over the state making it difficult for him to provide urine samples on days when he is required to do so.

14. As of June 2, 2006, Mr. Wahl left the employ of Mid-America Real Estate and is no longer working as a real estate salesperson.

15. Mr. Wahl wishes to resolve this matter by voluntarily surrendering his real estate salesperson's license.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described above in paragraphs 6-12, Mr. Wahl has violated the terms of the Order granting him a limited license.

3. Mr. Wahl's limited license was granted pursuant to a stipulated Order whereby he agreed that failure to comply with the terms of the Order would subject him to discipline pursuant to Wis. Stat. § 452.14.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the Real Estate Salesperson license of Matt C. Wahl, license # 94-63873, is hereby ACCEPTED. Mr. Wahl shall immediately return all indicia of licensure to the Department Monitor, P.O. Box 8935, Madison, WI 53709-8935.

IT IS FURTHER ORDERED that:

2. Mr. Wahl shall not request reinstatement or re-apply for a license to practice as a real estate salesperson in the State of Wisconsin for a minimum of 3 years from the date of this Order.

3. In the event that Mr. Wahl shall ever request reinstatement or reapply for a license to practice as a real estate salesperson in the State of Wisconsin, he shall, in addition to all other requirements for licensure, demonstrate to the satisfaction of the Department that he does not have a chemical dependence and that he can reliably perform the duties of a real estate salesperson.

4. In the event that Mr. Wahl shall ever request reinstatement or reapply for a license to practice as a real estate salesperson in the State of Wisconsin, the Department may determine whether and under what terms and conditions such request may be granted.

5. Mr. Wahl shall not practice as a real estate salesperson or attempt to practice as one in the State of Wisconsin without being licensed.

6. If Mr. Wahl ever petitions for reinstatement or applies for any real estate license in the State of Wisconsin, then he shall pay the costs of investigating and prosecuting this matter in the amount of \$1,600.00 before such petition or application may be considered.

7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
a Member of the Board

11/30/06
Date