

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 SALESPERSONS LICENSE FOR :
: FINAL DECISION AND ORDER
OZZIE RINCON :
APPLICANT :

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

Ozzie Rincon
5992 Schroeder #A
Madison WI 53711

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

FINDINGS OF FACT

1. Ozzie Rincon (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 June 24, 1992 Applicant was convicted of violation of Wis. Stat. § 343.43(1)(d) [violate driving license restrictions];
 - b. On or about August 24, 1995 Applicant was convicted of violation of Wis. Stat. § 343.05(3)(a) [operate without va license];
 - c. On or about February 8, 1999 Applicant was convicted of violation of Wis. Stat. § 961.41(1)(h)1 [manufacture/deli THC (<=500g)];
 - d. On or about February 8, 1999 Applicant was convicted of violation of Wis. Stat. § 946.49(1)(b) [felony - bail jump and
 - e. On or about February 2, 2005 Applicant was convicted of violation of Wis. Stat. § 346.63(1)(a) [operating while u influence (2nd)].

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 OZZIE RINCON. 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 which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation.

Drug and Alcohol Screens

3. 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.

Releases

4. 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.

Practice Limitations

5. Applicant shall practice real estate only under the general supervision of a Wisconsin licensed real estate broker approved by the Department or Department Monitor.

Reporting Requirements

6. Applicant shall provide a copy of this Final Decision and Order to supervisory personnel at all settings where Applicant works as a real estate salesperson and (if applicable) to his treatment provider.
7. It is Applicant's responsibility to arrange for written reports from his real estate supervisor(s) to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall describe the applicant'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.
8. 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.
9. 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

10. 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, 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

Petitions for Modification

- 11 Applicant may petition the Department for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. Applicant's petition must include his/her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment, and (if applicable) his/her treatment provider expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under §§227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

Costs

12. 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

13. The Department may revoke without further notice or hearing or other proceeding Applicant's credential for failure by Applicant to timely comply with the terms of this Order and/or any further criminal conviction. A violation of this Order may alternatively be the basis for a summary suspension under Wis. Admin. Code § RL 6 or for separate disciplinary action under Wis. Stat. § 440.26(6).

Dated at Madison, Wisconsin this 29th day of November, 2007.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF APPLICATION FOR	:	
REAL ESTATE SALESPERSON LICENSE FOR	:	
	:	STIPULATION
OZZIE RINCON	:	
Applicant	:	

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 _____, 2007

OZZIE RINCON

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

Dated this _____ day of _____, 2007

By: _____
Celia M. Jackson