

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
ROBERT M. SHOVERS, : LS0804247REB  
RESPONDENT. :  
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Division of Enforcement Case No. 06 REB 149

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

Robert M. Shovers  
700 Waters Edge Rd. # 15  
Racine, WI 53402

Wisconsin Real Estate Board  
P.O. Box 8935  
Madison, WI 53708

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

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Board (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. **Robert M. Shovers**, (DOB 11/09/64), is a licensed as a Real Estate Broker in the State of Wisconsin, license # 90-34212, which was first granted on 04/26/85 and is current through 12/14/2008.
2. Mr. Shover's most recent address on file with the Department of Regulation and Licensing is 700 Waters Edge Rd., #15, Racine, WI 53402.
3. On or about June 29, 2006, Mr. Shovers forwarded to the Department of Regulation and Licensing an application for a real estate business entity license. With the application Mr. Shovers included a completed form 2252, listing his convictions as follows:  
  
10/08/01, ordinance violation, Disorderly Conduct, the sentence was a forfeiture of \$396.50, including costs;  
03/28/05, ordinance/traffic, OWI-first offence, the sentence was a forfeiture of \$784.00, including costs and 6 points, 9 month suspension, alcohol assessment;  
03/08/06 misdemeanor, OWI-second offence the sentence was a forfeiture of \$876.00 including costs;  
03/08/06 misdemeanor, OWI-third offence the sentence was alcohol assessment, a forfeiture of \$2,682.00, 180 days in jail, license revoked 36 months, ignition interlock 36 months, Huber;  
03/08/06 misdemeanor OWI-fourth offence the sentence was 2 years probation, a forfeiture of \$3,750.00

plus costs, license revoked 36 months;

03/08/06 misdemeanor reduced to ordinance violation, possession of drug paraphernalia, a forfeiture of \$273.00 including costs;

03/08/06 misdemeanor reduced to ordinance violation, bail jumping, a forfeiture of \$335.00 including costs;

11/27/06 misdemeanor disorderly conduct with a domestic abuse surcharge modifier, sentence was 1 year probation, forfeiture of \$239, maintain employment or full time school, alcohol assessment, no alcohol, random urinalysis, drug assessment, no violent contact with the victim.

4. Sec. RL 24.17 (1), Wis. Admin. Code requires real estate licensees who have been convicted of a crime to send copies of the complaint and judgment of conviction to the Department within 30 days after conviction.

5. Mr. Shovers failed to report his convictions of 03/08/2006 to the Department within 30 days after conviction.

6. On March 8, 2006, Mr. Shovers was placed on probation for a period of two years, with alcohol treatment as required by his probation officer.

7. Mr. Shovers is currently in treatment with Donald Walters, LCSW, CADC, a psychotherapist at Psychiatric Services, 1244 Wisconsin Ave., Suite 303, Racine, WI 53403.

8. On July 17, 2007, Mr. Shovers was arrested in Racine County on charges of Disorderly Conduct and Resisting an Officer. The incident was related to Mr. Shovers' use of alcohol. Mr. Shovers was convicted of the misdemeanor offense of Resisting an Officer on December 13, 2007.

### 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. Respondent **Robert M. Shovers** has violated:

a. Wis. Admin. Code § RL 24.17(2), and Wis. Stat. § 452.14(3)(i) by being convicted of crimes that substantially relate to the practice of real estate.

b. Wis. Admin. Code §§ RL24.17 (1) by failing to report his criminal convictions to the Department within 30 days from the date of conviction.

3. Mr. Shovers is subject to discipline pursuant to Wis. Admin. Code § RL 24.01(3), and Wis. Stat. § 452.14(3).

### ORDER

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

### SUSPENSION

A.1. The license of **Robert M. Shovers** to practice as a real estate broker in the State of Wisconsin is SUSPENDED for an indefinite period.

A.2 Respondent shall mail or physically deliver all indicia of licensure to the Department Monitor within 14 days of the effective date of this Order.

A.3. The Board may, upon the Respondent’s petition or on its own motion or at the request of the Department Monitor, grant full licensure at any time.

A.4. Upon a showing by Respondent of continuous, successful compliance for a period of at least two (2) years with the terms of this Order, the Board shall grant a petition by the Respondent under paragraph D.4. for return of full licensure. The Board may deny the petition at that time if the Board has received any credible evidence of a failure to comply with any provision of Sections C or D of this Order.

### STAY OF SUSPENSION

B.1. The suspension shall be stayed initially for a period of 6 months, during which the Respondent must petition the Board for a 6 month extension of the stay, and provide proof, which is determined by the Board or its designee to be sufficient, that Respondent is in compliance with the provisions of Sections C and D of this Order and that Respondent’s Treater is of the opinion that Respondent is able to safely practice real estate under the restrictions of this Order. The stay may be extended for additional periods of 6 months by the same process.

B.2. The Board or its designee may, without hearing, remove the stay upon receipt of credible information that Respondent is in violation of any provision of Sections C or D of this Order.

B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:

- (a) Mailing to Respondent’s last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
- (b) Actual notice to Respondent or Respondent's attorney.

B.4. If the stay is removed, the Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

B.5. If the stay is removed and Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent’s request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

### CONDITIONS AND LIMITATIONS

#### Treatment Required

C.1. Respondent shall continue in alcohol treatment with Donald Walters (“Treater”). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater. If Respondent terminates treatment with Mr. Walters he shall contact the Department Monitor (below) within 48 hours of the termination, and shall make good faith efforts to enter as soon as possible into a treatment program with a provider approved by the Department.

C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.

C.3. Treater shall be responsible for coordinating Respondent's rehabilitation, monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.

C.4. The rehabilitation program may include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.

C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, 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 Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

#### AA Meetings

C.7. Respondent shall attend Alcoholic Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater. Attendance of Respondent at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

#### Sobriety

C.8. Respondent shall abstain from all personal use of alcohol.

#### Alcohol Testing

C.9. Respondent shall enroll and begin participation in an alcohol monitoring program as required by the Treater.

C.10. At the time Respondent enrolls in an alcohol monitoring program, Respondent shall review all of the rules and procedures made available by the program. Failure to comply with all requirements for participation in alcohol monitoring – including any positive test for alcohol - is a substantial violation of this Order.

C.11. The frequency of testing shall be determined by the Treater.

C.12. If any specimen is positive or suspected positive for alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

- C.13. In addition to any requirement of the alcohol monitoring program, the Board or its designee may require Respondent to submit additional specimens, or to furnish any specimen in a directly witnessed manner.
- C.14. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.
- C.15. The Treater shall verify participation in any alcohol monitoring program in his reports to the Department Monitor.

Practice Limitations

- C.16. Respondent shall not practice real estate in any capacity unless Respondent is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order.
- C.17. Respondent shall not drive a vehicle with a passenger for any real estate related purpose.
- C.18. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to any supervisory personnel (including any broker employer) at all real estate companies where Respondent is engaged in the practice of real estate as defined at Wis. Stat. § 452.01(6). The Board or the Department in its discretion may conduct unannounced inspections and/or audits, and make copies, of real estate records where Respondent is employed as a real estate broker.
- C.19. If employed by a broker employer, Respondent shall arrange for the broker employer to immediately report to the Board and to the Treater any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public. It is Respondent's responsibility to arrange for written reports from any broker employer to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance.
- C.20. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Wisconsin 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) 261-7904

Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely

submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, alcohol monitoring program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every six (6) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

#### Change of Treater or Approved Program by Board

D.3. If the Board or its designee determines the Treater or alcohol monitoring program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or alcohol monitoring program.

#### Petitions for Modification of Limitations or Termination of Order

D.4. Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order, no such petition shall be made any earlier than three months from the date the Board has acted on the last such petition, and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater 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. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

#### Costs of Compliance

D.5. Respondent 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.

#### Costs of Proceeding

D.6. Respondent shall pay costs of \$1,096.71 to the Department of Regulation and Licensing, within ninety (90) days of this Order. In the event Respondent fails to timely submit any payment of costs, the Respondent's license (# 90-34212) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

#### Additional Discipline

D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action.

Dated at Madison, Wisconsin this 24<sup>th</sup> day of April, 2008.

REAL ESTATE BOARD

By: Peter Sveum  
A Member of the Board

