

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF
THE LICENSE OF

JAMES E. SHAW,
Petitioner

:
:
:
:
:
:

ORDER GRANTING
LIMITED LICENSE

ORDER0000259

TO: James E. Shaw
537 Sycamore Drive
New Richmond, WI 54017

The Department of Regulation and Licensing issued an order granting a limited real estate salesperson license to petitioner on September 3, 2003.

The Department Secretary considered petitioner's request for full licensure of his real estate salesperson's license. Petitioner's license has expired for more than five (5) years. To regain licensure, petitioner must comply with the requirements of RL 12.04 (2). Documentation shows that petitioner has satisfactorily fulfilled the requirements of RL 12.04 (2), the Department Secretary now finds and makes the following:

ORDER

NOW, THEREFORE, IT IS ORDERED that the request for full licensure of the Real Estate Salesperson's license of James E. Shaw (license # 57825-94) is DENIED.

IT IS FURTHER ORDERED that upon renewal of his license, petitioner's license to practice as real estate salesperson shall be LIMITED by the following terms and conditions:

Sobriety

1. Petitioner shall abstain from all personal use of alcohol.
2. Petitioner shall abstain from all personal use of 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. Petitioner shall disclose petitioner's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Petitioner 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 petitioner's treatment with, and provide copies of treatment records to, Treatment Provider and the Department or Department Monitor.
3. Petitioner 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 petitioner's treatment and rehabilitation.

Drug and Alcohol Screens

4. Petitioner 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, petitioner 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. Petitioner must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody. Petitioner shall be responsible for all costs associated with obtaining screens.

Treatment

5. The Department reserves the right, based upon reports received, to require petitioner 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. Petitioner shall cooperate with and follow all treatment recommendations of his treatment provider, including AA/NA meetings. Upon discharge, petitioner shall submit a copy of his discharge summary to the Department Monitor.

6. If treatment is required, petitioner shall provide his treatment provider with a copy of this Order.

7. If treatment is required, petitioner's treatment provider shall submit formal written reports to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess petitioner'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

8. Petitioner shall at all times practice as a real estate salesperson under the supervision of a broker approved by the Department. Approval shall be obtained through correspondence with the Department Monitor.

9. Petitioner shall provide a copy of this Order to his supervising broker at all settings where petitioner works as a real estate salesperson.

10. It is petitioner'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 petitioner'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.

11. Petitioner 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.

Required Reporting by Petitioner

12. Petitioner is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Petitioner shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order by petitioner. Additionally, every three (3) months the petitioner shall notify the Department Monitor of the petitioner's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Department Monitor

13. 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, emailed, 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) 267-3817

Summary Suspension / Additional Discipline

14. Violation of any of the terms of this Order and/or any further criminal conviction may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of petitioner's license. The Department in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

This Order is effective on the date signed below.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

By:


Celia Jackson,
Department Secretary

7/8/10
Date