

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF THE APPLICATION
FOR A LICENSE TO PRACTICE AS A REAL
ESTATE SALESPERSON

MICHAEL J. BANNIE,
APPLICANT

ORDER GRANTING LIMITED LICENSE
AS A REAL ESTATE SALESPERSON

ORDER 0001233

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

MICHAEL J. BANNIE
631 150TH Street
St. Roberts, WI 54023

Real Estate Examining Board
Department of Safety and Professional Services
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-5935

Department Monitor, Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-5935

FINDINGS OF FACT

1. MICHAEL J. BANNIE (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 about September 10, 2007, Applicant was convicted of violating Wis. Stat. §951.02 (Intentionally Mistreat Animals), and
 - b. On or about June 6, 2011, Applicant was found to have violated Wis. Stat. §346.63(1)(a) (Operating a motor vehicle under the influence of an intoxicant).
3. That limitations upon the license of the Applicant is necessary to ensure that he is competent to act in a manner which safeguards the interests of the public.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board 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.
3. 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, MICHAEL J. BANNIE, is GRANTED a Real Estate Salesperson's License subject to the following Limitations, Terms and Conditions:

1. Applicant shall at all times practice as a real estate salesperson under the supervision of a Wisconsin licensed real estate broker approved by the Board. Approval shall be obtained through correspondence with the Department Monitor.
2. Applicant shall notify his broker/employer of his history of convictions prior to employment, and shall provide a copy of this Order to supervisory personnel at all settings where Applicant works as a real estate salesperson.
3. Applicant shall commit no new violations of law, and shall report all law enforcement contacts leading to arrest, charge or conviction to the Department Monitor within 48 hours of any such event.
4. Applicant shall file with the department quarterly reports commencing February 1, 2012. Each report shall include the following:
 - a. The name, address and telephone number of applicant, and name, address and telephone number of applicant's broker-employer;
 - b. A statement from the applicant as to whether or not he has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI) during the term of the Order;
 - c. A statement from the broker-employer evaluating the applicant's performance as a real estate salesperson, including the nature and extent of the applicant's sales activities and whether or not he has practiced in compliance with all the laws governing the practice of a real estate salesperson, and
 - d. If, applicable, a statement from the applicant's counselor/therapist acknowledging participation and progress in a treatment prevention program.
5. During, and immediately leading up to all working hours, Applicant shall abstain from all personal use of alcohol and controlled substances as defined in § 961.01(4), Stats., except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition.
6. The Department reserves the right, based upon reports received, to require Applicant, upon notification by the Department Monitor, to enter into and maintain participation in a program of treatment for drug and alcohol abuse/dependency through completion and discharge from treatment. Applicant shall cooperate with and follow all treatment recommendations of his treatment providers. Upon discharge, Respondent shall submit a copy of his discharge summary to the Department Monitor.
7. If treatment is required, Applicant shall provide his treatment provider(s) with a copy of this Order. Applicant is responsible for ensuring that his treatment provider submits formal written reports to Department Monitor on a quarterly basis. These reports shall assess Applicant's progress, compliance and cooperation in the applicable program. The treatment providers shall report immediately to the Department Monitor any violation or suspected violation of this Order.
8. This limitation may be removed no earlier than **December 1, 2013** and only subsequent to a written request to the department that also includes the reports as required in this Order. Applicant's petition must include his

history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling a minimum of 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 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 Wis. Stats. §§ 227.01(3), or 227.42, or Wis. Admin. Code Ch. RL 1, and shall not be subject to any right to further hearing or appeal.

9. Applicant shall not be eligible for licensure as a real estate broker until he demonstrates a minimum of two years of successful practice as a salesperson under the general supervision of a Wisconsin licensed real estate broker approved by the Board.
10. Applicant shall be 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.
11. Applicant shall be responsible for all costs and expenses incurred in conjunction with or associated with compliance with the terms of this Order.
12. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board 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 upon the date signed below.

Dated this 28th day of November, 2011

/s/ Stephen Beers - H.
Stephen Beers, Chairperson
Wisconsin Real Estate Examining Board