

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

BRIAN C. BOWAR
APPLICANT

:
:
:
: ORDER GRANTING LIMITED
: LICENSE
:

ORDER 0001250

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

Brian C. Bowar
127 Saint Lo Drive
Prairie du Chien, WI 53821

Wisconsin Real Estate Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

FINDINGS OF FACT

1. Brian C. Bowar (Applicant) has filed an application for a credential to practice as a real estate salesperson in the State of Wisconsin.
3. Information received in the application process reflects that on or about August 26, 2008, Applicant was convicted of violation of Wis. Stat. § 346.63(1)(a) [Operating While Under Influence (2nd)].
2. Information received in the application process reflects that on or about April 18, 2011, Applicant was convicted of violation of Wis. Stat. §§ 947.01 [Disorderly Conduct] and 946.49(1)(a) [Bail Jumping].

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. 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 BRIAN C. BOWAR is GRANTED a REAL ESTATE SALESPERSON'S LICENSE, subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Practice Limitations

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. The Department Monitor is the individual designated by the Board 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, e-mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

3. 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.
4. 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.
5. 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.
6. Applicant shall comply with all terms and conditions of his probation/parole imposed upon him and shall make arrangements with his probation agent to immediately notify the Department Monitor of any violation of probation/parole terms.
7. Applicant shall make arrangements for submissions of quarterly reports from his probation/parole officer attesting to the status of his participation in probation/parole.
8. 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. 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 Board or Department Monitor.

9. Within sixty days from the date of this Order, Applicant shall submit the results of a current AODA assessment to the Department Monitor. The Assessment shall be conducted following the date of this Order. Applicant shall provide the person(s) performing his assessment with a copy of this Final Decision and Order as well as with access to any prior assessments and/or prior treatment records.
10. If the results of the assessment recommend counseling or other treatment, Applicant shall immediately enter into and maintain participation through completion of treatment in the areas recommended by the assessment.
11. Applicant shall participate in, cooperate with and follow all treatment recommendations of his treatment providers.
12. The Board 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.
13. If applicable, Applicant shall provide his treatment provider(s) with a copy of this Final Decision and Order.
14. If treatment is required, 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.
15. Applicant shall provide and keep on file at all treatment facilities and personnel, laboratories and collections sites (if applicable), his treatment provider(s) current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, 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 Applicant's treatment and/or rehabilitation. Copies of these releases shall immediately be filed with Department Monitor.
16. 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.
17. Applicant may petition the Board for modification of the terms of the Order after completion of one year of continuous practice in compliance with all terms and conditions of 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 one year 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.

18. Applicant shall be responsible for all costs and expenses incurred in conjunction with or associated with compliance with the terms of this Order.
19. 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.

Dated at Madison, Wisconsin this 1st day of December, 2011

1st Stephen Beers - M.
Member of the Board