

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MATTHEW J. DECOLA,
APPLICANT.

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:
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:
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ORDER 0002706
ORDER 0002706
ORDER GRANTING
LIMITED CERTIFICATE
OF REGISTRATION

Division of Legal Services and Compliance Case No. 13 REB 040

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

Matthew J. DeCola
710 S. Preston
Reedsburg, WI 53959

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

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Wisconsin Real Estate Examining 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Applicant Matthew J. DeCola (dob April 16, 1983) applied for a Time-share Salesperson Certificate of Registration in the State of Wisconsin on approximately May 17, 2013. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1300 Lange Court, Baraboo, Wisconsin 53913.

2. On June 3, 2013, a letter was sent to Applicant denying his application for a Time-share Salesperson registration based on a determination that Applicant's record of arrests and convictions were substantially related to the practice of Time-share Sales.

3. Information received in the application process reflects that Applicant has the following convictions or legal determinations:

- a. Disorderly Conduct on January 9, 2002.
- b. Operating While Revoked on February 20, 2008.
- c. Disorderly Conduct on October 14, 2009.
- d. Operating without Carrying License on August 4, 2010.
- e. Battery on November 30, 2011.
- f. Probation Violation on March 10, 2012.
- g. Probation Violation on February 17, 2013.
- h. Operating While Revoked and Operating with a Prohibited Alcohol Concentration on March 22, 2013.

4. Applicant subsequently appealed the denial and Division of Legal Services and Compliance Case Number 13 REB 040 was opened.

5. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining 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. The facts and circumstances of the convictions referenced above substantially relate to the practice of a timeshare salesperson.

3. The Wisconsin Real Estate Examining Board may issue limited licenses pursuant to Wis. Stat. § 452.14(3).

4. Limitations upon the license of the Applicant are necessary to ensure that he is competent to act in a manner which safeguards the interests of the public.

ORDER

1. The attached Stipulation is accepted.

2. Applicant Matthew J. DeCola is issued a Time-Share Salesperson certificate of registration subject to limitations.

3. The Time-share Salesperson registration issued to Matthew J. DeCola is LIMITED as follows:

- a. Applicant is not allowed to transport clients while operating a motor vehicle.
- b. Applicant has to take an anger management education course within 120 days of the date of this Order. The course must be approved by the Department Monitor prior to enrollment. Proof of completion of the course must be submitted to the Department Monitor within 30 days of completion of the course.
- c. Applicant must successfully comply with all terms and conditions of, and successfully complete any probation and/or parole ordered in the above-referenced convictions.
- d. Applicant must submit quarterly reports for one year by March 31, 2014, June 30, 2014, September 30, 2014, and December 31, 2014. Each report shall include:
 - a. The name, address and telephone number of Applicant, and name, address and telephone number of Applicant's supervising licensed broker;
 - b. A statement from the Applicant as to whether he has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI/PAC) during the term of the Order;
 - c. A statement from the supervising broker evaluating the Applicant's performance as a time-share salesperson, including the nature and extent of the Applicant's sales activities and whether he has practiced in compliance with all laws governing the practice of real estate.
- e. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

4. This limitation may be removed no earlier than December 31, 2014, and only subsequent to a written request to the Department Monitor and approval of the Board. A denial of such a petition for modification shall not be deemed a denial of licensure under Wis. Stats. §§ 227.01(3) or 227.42 or Wis. Admin. Code Ch. SPS 1 and shall not be subject to any right to further hearing or appeal.

5. Applicant is responsible for all costs and expenses associated with compliance with the terms of this Order.

6. Proof of education and reports shall be sent by Applicant to the Department Monitor at the address below:


Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 Applicant's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other discipline for a violation of any of the terms of this Order. In the event Applicant fails to timely submit proof of education and quarterly reports or fails to comply with the terms of this Order, Applicant's registration may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with terms of Order.

8. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

10-31-13
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MATTHEW J. DECOLA,
APPLICANT

:
:
:
:
:

STIPULATION

ORDER 0002706

Division of Legal Services and Compliance Case No. 13 REB 040

Matthew J. DeCola (Applicant) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Applicant consents to the resolution of this investigation by Stipulation.

2. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Applicant, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Applicant;
- the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
- the right to testify on Applicant's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Applicant agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Applicant waives all rights to any appeal of the Board's order, if adopted in the form as attached.

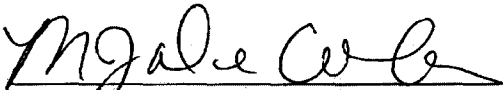
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

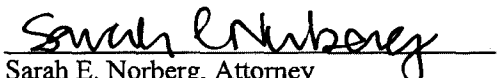
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Applicant, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Applicant is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Applicant in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Matthew J. DeCola, Respondent
710 S. Preston
Reedsburg WI 53959

18 OCT 2013
Date


Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

10.18.13
Date