

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR	:	
LICENSURE OF	:	
	:	ORDER GRANTING LIMITED LICENSE
DARRYL L. NORTON,	:	
APPLICANT.	:	

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**0003349**

Division of Legal Services and Compliance Case No. 14 REB 056

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

Darryl L. Norton  
5600 Joylynne Dr.  
Madison, WI 53716

Wisconsin Real Estate Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

PROCEDURAL HISTORY

A denial review proceeding was commenced in this matter by the filing of a Notice of Hearing with the Wisconsin Real Estate Examining Board (Board) on June 12, 2014. Prior to the hearing, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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. On or about January 22, 2014, Applicant Darryl L. Norton (dob March 13, 1965), applied for a real estate salesperson license in the State of Wisconsin. Applicant's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5600 Joylynne Dr., Madison, WI 53716.

2. Information received in the application process reflects that the Applicant was convicted of the following crimes:

a. On February 9, 1990, Applicant was convicted of five felony counts of Armed Robbery and sentenced to an indeterminate term of not more than fifteen (15) years in prison to run consecutive to a second sentence of an indeterminate term of not more than twenty (20) years in prison. Respondent successfully served his sentence.

b. On July 9, 2012, Applicant was convicted of Operating while Intoxicated (1st) and ordered to pay a \$781 fine and complete alcohol treatment. Applicant successfully completed the ordered treatment.

c. On August 11, 2012, Applicant was convicted of misdemeanor Resisting or Obstructing an Officer and ordered to pay a \$1,000 fine.

3. On March 21, 2014, the Wisconsin Real Estate Examining Board denied Applicant's application for a real estate salesperson license on the basis that the above criminal convictions substantially relate to the practice of real estate and create an unreasonable risk of harm to the public as there is no proof that Applicant is competent to practice real estate in a manner that safeguards the interests of the public pursuant to Wis. Stat. §§ 111.335(1)(c) and 452.03.

4. Applicant is otherwise qualified for licensure.

5. Applicant agrees to accept a limited license and 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. § 452.05(1)(a) to grant licensure as a real estate salesperson.

2. The limitations as set out below are sufficient to address any unacceptable risk of harm Applicant may pose to clients and the public in the practice of real estate.

#### ORDER GRANTING LIMITED LICENSE

1. The attached Stipulation is accepted.

2. The Wisconsin Real Estate Examining Board hereby grants Darryl L. Norton's application for a real estate salesperson license.

3. The real estate salesperson license issued to Darryl L. Norton is LIMITED as follows:

a. For a period of at least two (2) years from the date Applicant commences practice as a real estate salesperson:

- i. Applicant shall comply with any and all terms of his current probation.
- ii. Applicant shall provide a copy of this Order to Applicant's probation agent and shall arrange for written reports from his probation agent to be provided to the Department Monitor on a quarterly basis, commencing ninety (90) days after Applicant commences employment. These reports shall address Applicant's compliance with the terms and conditions of his probation.
- iii. Applicant shall at all times practice as a real estate salesperson under the supervision of a Wisconsin licensed real estate broker pre-approved by the Board or its designee.
- iv. Applicant shall notify his broker/employer of his history of arrests and convictions prior to employment, and shall provide a copy of this Order to Applicant's supervisor at all real estate business entities where Applicant works as a real estate salesperson.
- v. Applicant shall arrange for written reports from his supervisor to be provided to the Board on a quarterly basis, commencing ninety (90) days after Applicant commences employment. These reports shall assess Applicant's work performance and describe the circumstances of his employment, 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.
- vi. Applicant shall commit no new violations of law, and shall report all law enforcement contacts leading to arrest, charge or conviction to the Board within forty-eight (48) hours of any such event.
- vii. Applicant shall submit to the Board quarterly reports commencing ninety (90) days after Applicant commences employment. 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; and
  - b. A signed statement from the Applicant certifying that he is in compliance with all terms and conditions of this Order.
- ii. Applicant 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.

4. Applicant is 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 the Board of any suspected violations of any of the terms and conditions of this Order.

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

6. After two (2) years of practice in compliance with all terms and conditions of this Order, Applicant may petition the Board for the modification or termination of the above limitations. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit. A denial of such a petition for modification or termination shall not be deemed a denial of license under Wis. Stat. §§ 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.


7. Any petition to the Board, requests for pre-approval, quarterly reports or other submissions required by this Order shall be sent by Applicant (or others, as appropriate) 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 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

8. 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 additional discipline for a violation of any of the terms of this Order. In the event Applicant fails to submit quarterly reports, ensure written reports are submitted by his probation agent or comply with any other term of this Order, as set forth above, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the order above.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:   
A Member of the Board

  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR	:	
LICENSURE OF	:	
	:	STIPULATION
DARRYL L. NORTON,	:	
APPLICANT.	:	<b>0003349</b>

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Division of Legal Services and Compliance Case No. 14 REB 056

Applicant Darryl L. Norton 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 hearing initiated by the Division of Legal Services and Compliance. Applicant consents to the resolution of this matter 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 denial of Applicant's credential, at which time the Applicant has the burden of proof to show by evidence satisfactory to the credentialing authority that the applicant meets the eligibility requirements set by law for the credential;
- 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. Applicant is represented by Lester A. Pines.

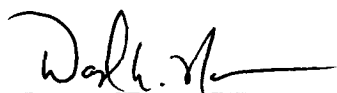
4. Applicant agrees to the adoption of the attached Order Granting Limited License by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, pleading, appearance or consent of the parties. 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 Order Granting Limited License.

7. Applicant is informed that should the Board adopt this Stipulation, the Board's Order Granting Limited License 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 Order Granting Limited License.



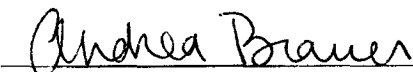
Darryl L. Norton, Applicant  
5600 Joylynne Drive  
Madison, WI 53716

7-25-14  
Date



Lester A. Pines, Attorney  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, WI 53703

7/24/14  
Date



Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

7/28/14  
Date