

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR :  
A REAL ESTATE SALESPERSON :  
CERTIFICATE OF REGISTRATION : ORDER GRANTING  
 : LIMITED  
FRANCOISE CAIN : CERTIFICATE OF  
APPLICANT : REGISTRATION

0004334

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

FRANCOISE CAIN  
9038 N PEARLETTE LANE  
BROWN DEER WI 53223

REAL ESTATE EXAMINING BOARD  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WI 53708-8935

FINDINGS OF FACT

1. FRANCOISE CAIN (Applicant) has filed an application (# 546865) for a certificate of registration to practice as a real estate salesperson in Wisconsin.

2. Information received in the application process reflects that the Applicant has the following violations and convictions:

- a. On or about November 19, 2004 - Unlawful Phone Use/Threaten Harm, a misdemeanor
- b. On or about March 2, 2006 – Operating While Intoxicated, 1<sup>st</sup>, an ordinance violation
- c. On or about September 18, 2009 – Operating While Intoxicated, 2<sup>nd</sup>, a misdemeanor
- d. On or about January 10, 2013 – Operating While Revoked, a misdemeanor
- e. On or about September 26, 2013 – Operating While Intoxicated, 3<sup>rd</sup>, a misdemeanor

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 her conduct is subject to limitations against her certificate of registration pursuant to Wis. Stat. §§ 452.03 and 452.14(3).
4. Limitations upon Applicant's certificate of registration are necessary to ensure that she is competent to act in a manner which safeguards the interests of the public, pursuant to Wis. Stat. § 452.03.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that FRANÇOISE CAIN is GRANTED A REAL ESTATE SALESPERSON CERTIFICATE OF REGISTRATION 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. Applicant shall notify her broker-employer of her history of arrests and convictions prior to employment, and shall provide a copy of this Order to her supervisor at all business entities where she 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, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any conviction resulting from her pending charge.
4. Applicant shall not be permitted to drive current or prospective clients in a motor vehicle.

#### Reporting Requirements

5. Applicant shall file with the Board quarterly reports at the direction of the Department Monitor 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 his employer;
  - b. A statement from the Applicant as to whether she has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI and municipal/ordinance violations) during the term of the Order.
  - c. 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.

6. Applicant shall arrange for written reports from her supervisor(s) to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of her employment, including the nature and extent of the Applicant's sales activities and whether she has practiced in compliance with all laws governing the practice of real estate sales.
7. 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 Department Monitor of any suspected violations of any of the terms and conditions of this Order.
8. 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 or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR  
Department of Safety and Professional Services  
Division of Legal Services & Compliance  
1400 East Washington Ave., P.O. Box 7190  
Madison, WI 53707-7190  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
dpsmonitoring@wi.gov

#### Petitions for Modification

9. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. Applicant's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling 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. A denial of such a petition~~ for modification 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.

#### Costs

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

#### Summary Suspension/Additional Discipline

11. In the event that Applicant violates any term of this Order, Applicant's certificate of registration 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. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 9 day of November, 2015

Stephen Beers  
Stephen Beers, Chairperson  
Real Estate Examining Board

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR :  
A REAL ESTATE SALESPERSON :  
CERTIFICATE OF REGISTRATION :  
:  
FRANCOISE CAIN :  
APPLICANT :

STIPULATION

**0004334**

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It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Real Estate Examining Board as follows:

The Applicant has filed an application for a real estate salesperson certificate of registration. Information received by the Board reflects a basis for denial of the application for a credential. Based upon the information of record, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited Certificate of Registration as a real estate salesperson subject to the terms and conditions set forth in the attached Order.

Dated this 29<sup>th</sup> day of October, 2015

Francoise Cain  
Francoise Cain, Applicant

STATE OF WISCONSIN  
REAL ESTATE EXAMINING BOARD

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Dated this 9 day of November, 2015

By: Stephen Beers  
Stephen Beers, Chairperson  
Real Estate Examining Board