

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR :
RENEWAL OF A REAL ESTATE SALESPERSON :
LICENSE : ORDER GRANTING
 : LIMITED
 JAMES PRESCOTT : LICENSE
 APPLICANT :

0005235

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

JAMES PRESCOTT
2160 REGENT DR
WHITE BEAR LAKE, MN 55110-4336

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

FINDINGS OF FACT

1. JAMES PRESCOTT (Applicant) has filed an application for renewal of his license (#62561-94) to practice as a real estate salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant has the following conviction:
 - A. On or about September 19, 2016 – Operating While Intoxicated, a misdemeanor in Minnesota.

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 conviction referenced above substantially relate to the practice of a real estate salesperson.
3. Applicant, by his conduct, is subject to limitations against his license, pursuant to Wis. Stat. §§ 452.03 and 452.14(3).

4. Limitations upon Applicant's certificate of registration are necessary to ensure that he 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 JAMES PRESCOTT is GRANTED A REAL ESTATE SALESPERSON 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. Applicant shall notify his broker-employer of his history of arrests and convictions prior to employment. Applicant shall show a copy of this Order to his current and any future employer. Applicant shall provide the Department of Safety and Professional Services Monitor (Department Monitor) with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
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 pending charges.
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 he 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 his 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 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 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 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 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.

Suspension

11. In the event Applicant violates any term of this Order, 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. 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 23rd day of March, 2017

By: Randal Amadio
A Member of the Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR :
A REAL ESTATE SALESPERSON :
LICENSE :
: **STIPULATION**
: **0005235**
JAMES PRESCOTT :
APPLICANT :

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 renewal of a real estate salesperson license. Information received by the Board reflects a basis for denial of the application for renewal of a license. Based upon the information of record, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a real estate salesperson subject to the terms and conditions set forth in the attached Order.

Dated this 17 day of March, 2017


James Prescott, Applicant

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

Dated this 23rd day of March, 2017

By: 
A Member of the Real Estate Examining Board