

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 :
: FINAL DECISION AND ORDER
AMBER M. CASTONGUAY, :
RESPONDENT. : **0005339**

Division of Legal Services and Compliance Case No. 17 REB 007

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

Amber M. Castonguay
W7873 County Road Q
Watertown, WI 53098

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

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 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. Respondent Amber M. Castonguay (DOB 09/05/1974) is licensed by the State of Wisconsin as a real estate broker, having license number 52564-90, first issued on December 9, 2004 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W7873 County Road Q, Watertown, Wisconsin 53098.

2. On January 15, 2017, Respondent confronted V.L. and her brother at a bar regarding their father's previous property listing with another real estate agency. V.L. recorded the interaction. During the conversation, Respondent used derogatory and profane language regarding V.L. and her father.

3. Respondent admitted to having too much to drink at the time of the incident.
4. On January 3, 2006, Respondent was convicted of OWI (2nd), a misdemeanor, in Jefferson County Circuit Court (Case No. 2005CT000661). On August 17, 2007, Respondent was convicted of Resisting or Obstructing an Officer, a misdemeanor, and Possession of Drug Paraphernalia, a misdemeanor, in Dodge County Circuit Court (Case No. 2007CM000051).
5. Respondent did not report either conviction to the Department.
6. In resolution of this matter, Respondent 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to protect the public against fraud, misrepresentation and unethical practices.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(1) by failing to report her 2006 and 2007 convictions within 48 hours after the judgment of conviction.
4. As a result of the above violations, Amber M. Castonguay is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(L) and (4m).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Amber M. Castonguay is REPRIMANDED.
3. The real estate broker license issued to Amber M. Castonguay (no. 52564-90) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete an education course on the topic of business ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course.
 - b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or

Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$476.

5. Requests for pre-approval, course certificates and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

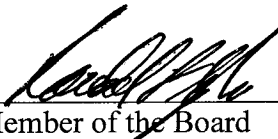
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's license (no. 52564-90), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

6-15-17
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
AMBER M. CASTONGUAY,	:	0005339
RESPONDENT.	:	

Division of Legal Services and Compliance Case No. 17 REB 007

Respondent Amber M. Castonguay 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. Respondent consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent’s behalf and to compel their attendance by subpoena;
- the right to testify on Respondent’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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

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

4. Respondent 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

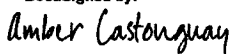
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 Respondent, 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.

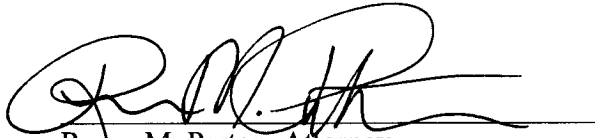
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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

DocuSigned by:

0719F6E048BD458
Amber M. Castonguay, Respondent
W7873 County Road Q
Watertown, WI 53098
License no. 52564-90

5/24/2017

Date


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

5/24/2017

Date