

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- 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>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A ESTATE BROKER
LICENSE

GLENN SCHACHTNER
APPLICANT

:
:
: ORDER GRANTING
: LIMITED LICENSE

:
:
: **0005637**

DLSC Case No. 17 REB 061; DHA Case No. SPS-17-0017

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

GLENN S SCHACHTNER
2581 HE NIS RA LANE
GREEN WI 54304

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

PROCEDURAL HISTORY

On April 13, 2017, the Wisconsin Real Estate Examining Board (Board) denied the Applicant's application to renew his license, number 44467-90, to practice as a Real Estate Broker in the State of Wisconsin, for reasons stated in the Notice of Denial. On May 10, 2017, counsel for Applicant sent a letter requesting a hearing on the denial under Wis. Stat. § 440.08(4). In response, a Corrected Notice of Denial was sent to Applicant on June 1, 2017. The Corrected Notice of Denial rescinded the April 13, 2017, Notice of Denial, and came with new hearing rights.

On June 29, 2017, counsel for Applicant sent a letter requesting a hearing on the Corrected Notice of Denial, alleging errors in the denial. The request for a hearing was granted, and a subsequent Notice of Hearing, dated August 11, 2017, was issued. After the scheduled telephone prehearing conference a hearing date was set for February 22, 2018.

The parties have engaged in settlement discussions and agree to the terms and conditions of the attached Stipulation and Order as the final disposition of this matter.

FINDINGS OF FACT

- I. Glenn Schachtner (Applicant) has filed an application to renew his license to practice as a Real Estate Broker (# 44467-90) in Wisconsin.
- II. Information received in the application process reflects that the Applicant has the following violations and convictions on his record:
 - A. On or about December 19, 1993 – Disorderly Conduct, an ordinance violation.
 - B. On or about August 24, 2006 – Disorderly Conduct, an ordinance violation.
 - C. On or about December 30, 2014 – Operating While Intoxicated, an ordinance violation.
 - D. On or about February 26, 2016 – Operating While Intoxicated, 2nd Offense, a misdemeanor.
 - E. On or about July 19, 2016 – Operate Without a Valid License, an ordinance violation.
- III. Records indicate Applicant did not report the above-listed conviction for OWI 2nd within forty-eight (48) hours after the entry of the judgment of conviction as required, pursuant to Wis. Stat. § 440.03(13)(am) and Wis. Admin. Code §§ SPS 4.09(2) and REEB 24.17(1).
- IV. Additionally, information on file establishes that Applicant also holds a Real Estate Business Entity license (#834397-91) issued by the Board on May 6, 1993, and is currently active until December 14, 2018. Applicant stated he has been consistently working at his business entity and only with his business entity, from 1991 to present. Both Applicant's Real Estate Broker license and the Real Estate Business Entity license expired on numerous occasions during the time period Applicant was engaged in the practice of Real Estate as a Broker at Applicant's business entity.
 - A. Applicant's Broker license expired December 15, 2015.
 - i. History for MLS # 50150213 demonstrates activity by Applicant in April 2017, after Applicant's Broker license was expired.
 - ii. History for MLS # 50155488 demonstrates activity that began on December 19, 2016, after Applicant's Broker license was expired.
- V. Your history of violations and conviction substantially relates to the practice of a Real Estate Broker.
- VI. Granting you an unlimited Real Estate Broker's license at this time creates an unreasonable risk of harm to the public as you did not establish that you are competent to practice as a Real Estate Broker in a manner that safeguards the interests of the public.
- VII. The Board acknowledges that case number 17 REB 032 against Applicant's Real Estate Business Entity is currently open for investigation with the Board relating to allegations of unlicensed practice of the business entity. Should 17 REB 032 result in disciplinary

action against Glenn Schachtner Realty, Inc., license number 834397-91, the Board agrees that Applicant's Broker license shall not incur additional reciprocal discipline.

CONCLUSIONS OF LAW

- I. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. §§ 452.03, 452.05(1)(a), 452.14(3), 448.04 and is authorized to enter into the attached Stipulation, pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
- II. The facts and circumstances surrounding Applicant's record of violations and criminal conviction referenced above substantially relate to the practice of a Real Estate Broker.
- III. Applicant did not report his misdemeanor conviction to the Real Estate Examining Board within forty-eight (48) hours of the entry of the judgment of conviction.
- IV. Applicant, by his conduct, is subject to limitations against his license, pursuant to Wis. Stat. §§ 452.03 and 452.14(3) and Wis. Admin. Code chs. REEB 12 and 24.
- V. Denial of an unlimited credential renewal is necessary to protect the public health, safety, or welfare, pursuant to Wis. Stat. § 440.08(4).
- VI. Limitations upon Applicant's license 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 GLENN SCHACHTNER is GRANTED RENEWAL OF HIS REAL ESTATE BROKER LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

Alcohol Assessment

1. Within thirty (30) days of the date of this Order, Applicant shall obtain pre-approval from the Board or its designee, for an evaluator to conduct an Alcohol and Other Drug Abuse (AODA) assessment. The evaluator shall have experience in conducting these assessments.
2. Within (90) days of Board approval, Applicant shall, at his own expense, undergo an AODA assessment with the Board approved evaluator.
 - a. Applicant shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department of Safety and Professional Services Monitor (Department Monitor).
 - b. The Board, or its designee, may impose additional limitations upon Applicant's license based on the results of the assessment and/or the evaluator's recommendations.

- c. Applicant shall comply with the evaluator's recommendations.
- 3. Within thirty (30) days of the date of this Order, Applicant shall complete a Level 1 Wisconsin Drug and Alcohol Awareness class through the AJ Novick Group, Inc., or another provider pre-approved by the Board.
 - a. Applicant shall provide the Board with an affidavit demonstrating successful compliance of the AODA course.

Practice Limitations

- 4. Applicant shall not be permitted to drive current or prospective clients or customers in a motor vehicle for a period to two (2) years.
 - a. In the event Applicant is found to have violated this provision during the pendency of this provision, Applicant's license may be immediately REVOKED without further notice or hearing.
 - b. Applicant may petition the Board to remove this limitation after demonstration of two (2) years in compliance with this requirement.
- 5. 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 forty-eight (48) hours of any such event, including any convictions resulting from pending charges. This does not include nonmoving violations or speeding tickets.
 - a. In the event Applicant is convicted of a subsequent motor vehicle offense involving the use of intoxicants, within five (5) years from the date of this Order, Applicant's license may be immediately REVOKED without further notice or hearing.
 - b. Applicant may petition the Board to remove this limitation after demonstration of five (5) consecutive years of compliance with this requirement.

Professional Mentor:

- 6. Applicant shall engage the services of credentialed Real Estate Broker, pre-approved by the Board or its designee, who will serve as Applicant's professional mentor, within sixty (60) days of the date of this order.
 - a. The mentor shall not have any current or prior relationship with Applicant that could reasonably be expected to compromise the ability to render fair and unbiased reports to the Department.
 - b. The mentor must be sufficiently skilled and qualified to consult with Applicant in relation to his Real Estate practice and other professional activities.
 - c. Prior to commencement of the mentorship, the proposed mentor shall confirm, in writing, that he or she has read this Order and agrees to serve as Applicant's mentor.

7. The professional mentor shall meet with Applicant at least once quarterly to review Applicant's Real Estate practice and transactions. The quarterly review period begins on the date the Applicant receives Board approval of his mentor.
 - a. Real Estate practice and transaction(s) includes any brokerage services or other services that may only be performed by a licensee under Wis. Stat. ch. 452.
 - b. The mentor shall offer feedback and direction to Applicant as necessary for the purposes of improving Applicant's practice, and ensuring compliance with the standards of the profession.
 - c. The professional mentor shall submit quarterly reports to the Board addressing Applicant's professional performance and practice. The mentor has 30 days from the end of the quarter to submit the report.
 - d. Applicant must comply with any recommendations made by the mentor.
 - e. The mentor shall immediately report any unprofessional conduct or suspected violation of this Order.
 - f. If Applicant does not engage in the practice of Real Estate for any quarter, Applicant shall send notification to the Monitor that the Applicant did not engage in the practice of Real Estate and provide the dates of the quarter.
8. Respondent is responsible for any and all cost associated with the services of the professional mentor.
9. It is Applicant's responsibility to ensure reports are timely submitted to the Department Monitor.
10. After the timely submission of two (2) consecutive satisfactory mentor reports, and with a written recommendation from the professional mentor expressly supporting the request, Applicant may submit a request for the termination of this limitation.

Continuing Education

11. Within ninety (90) days of the date of this Order, Applicant shall, at his own expense, take and successfully complete six (6) additional hours of continuing education in Real Estate courses.
 - a. Each proposed course must be pre-approved by the Board or its designee. Pre-approval shall be obtained through communication with the Department Monitor. Courses offered by the Wisconsin Realtors Association are pre-approved by the Board.
 - b. Applicant shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course from the Board or its designee. All courses must be in-person.
 - c. Applicant must take and successfully pass any exams offered for the course(s).
 - d. Applicant shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.

- e. None of the education completed pursuant to this requirement may be used to satisfy any education requirements that have been or may be instituted by the Board or Department.

Reporting Requirements

- 12. 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. A statement indicating the license status of Applicant's Broker and Business Entity licenses. Applicant shall provide information which demonstrates that his licenses were active and in good standing during any Real Estate transactions.
- 13. Applicant shall report to the Department Monitor any change of Real Estate employment status, address, or telephone number within five (5) days of the date of a change.
- 14. Applicant is responsible for compliance with all 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.

Department Monitor

- 15. 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
dspsmonitoring@wi.gov

Petitions for Modification or Termination

- 16. Applicant may petition the Board or its designee for modification of the terms of this Order after completion of (2) two years of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of 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 (2) years of practice. The Board's designee or liaison may decide any petition for modification. The Applicant may request his petition be decided by the full Board. A denial of such a petition for modification by the Board 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.
- 17. Applicant may petition the Board or its designee for return to full, unrestricted licensure upon demonstration of continuous successful compliance with all of the terms of this Order,

including no new violations or convictions for operating a motor vehicle while intoxicated for a period of five (5) years from the date of this Order. The Board's designee or liaison may decide any petition for termination of this order. The Applicant may request his petition for full licensure be decided by the full Board. 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

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

Suspension or Additional Discipline

19. If the 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 provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance 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 16 day of February, 2018

By: Robert Webster ex
A Member of the Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
RENEWAL OF A REAL ESTATE BROKER
LICENSE

GLENN SCHACHTNER
APPLICANT

STIPULATION

0005637

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

The Applicant has filed an application to renew his Real Estate Broker license. Information received by the Board reflects a basis for denial of the application for renewal. 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 Broker subject to the terms and conditions set forth in the attached Order.

Dated this 14 day of February, 2018

By: Glenn Schachtner
Glenn Schachtner, Applicant

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

Dated this 16 day of February, 2018

By: Robert Webster EK
A Member of the Real Estate Examining Board