

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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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1. DANIELLE FENNESSY (Applicant) has filed an application (#651308) for a license to practice as a Real Estate Salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant has the following violation on her record:
  - A. On or about June 4, 2018 – Operating While Intoxicated (1<sup>st</sup>), an ordinance violation.
    - i. The incident that resulted in the above-referenced violation occurred on December 14, 2017, when Applicant was detained by law enforcement while driving home from a work-related holiday party.
    - ii. Applicant's Blood Alcohol Content (BAC) was .16 at the time of this incident.
    - iii. An Order signed by the Court on June 4, 2018, required that Applicant's driver's license be revoked for seven (7) months, placed an Ignition Interlocking Device (IID) on Applicant's vehicle for one (1) year, and required that Applicant undergo AODA screening.

- iv. Applicant did undergo AODA screening on June 27, 2018, at which time she was assessed with "suspected alcohol dependency" and it was recommended that she participate in outpatient treatment for 3-4 months.
  - v. Information received in the application process reflects that Applicant has been obtaining psychotherapy at Aurora Behavioral Health since June 27, 2018, and her treater states that she has received psychiatric services, has been abstaining from alcohol use, has been motivated and engaged in her treatment, and has been making gradual progress towards her goals.
  - vi. Applicant will be getting her unrestricted driver's license back on December 26, 2018, but will be required to have the IID in her vehicle until June of 2019, per Court order.
- 3. It is common practice for Real Estate Salespersons to drive with clients in their vehicle, in the course of conducting their business.
  - 4. Due to the recency of the OWI (1<sup>st</sup>) violation, including the fact that Applicant does not currently have a regular license and is required to have an IID in her vehicle until June of 2019, Applicant has not established that she is sufficiently rehabilitated and currently competent to transact the business of real estate sales in a manner that safeguards the interest of the public.

#### 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 above-referenced violation substantially relates to the practice of a Real Estate Salesperson, pursuant to Wis. Stat. §§ 111.335(1)(c) and 452.14(3).
- 3. Limitations upon Applicant's license 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.
- 4. Applicant, by her conduct, is subject to limitations against her license, pursuant to Wis. Stat. §§ 111.335(1)(c), 452.03(1) and 452.14(3).

#### **ORDER**

NOW, THEREFORE, IT IS ORDERED that DANIELLE FENNESSY is GRANTED A REAL ESTATE SALESPERSON LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

##### Practice Limitations

- A.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 of Safety and Professional Services Monitor (Department Monitor).
- A.2. Applicant shall notify her broker-supervisor(s)/employer(s) of her violation of Operating While Intoxicated (OWI 1<sup>st</sup>) prior to employment. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the 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.
- A.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 convictions resulting from pending charges.
- A.4. Applicant shall not be permitted to drive current or prospective clients, or any individual in connection with Applicant's employment as a Salesperson, in any motor vehicle.

#### Reporting Requirements

- A.5. Applicant shall file quarterly reports with the Board at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
  - i. The name, address and telephone number of Applicant, and name, address and telephone number of her employer;
  - ii. 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.
  - iii. 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.
- A.6. Applicant shall arrange for written reports from her broker-supervisor(s)/employer(s) to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. The first employer report is due ninety (90) days after Applicant commences employment, or 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 as a salesperson.
- A.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.

- A.8. The Department Monitor is the individual designated by the Board 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  
4822 Madison Yards Way  
P.O. Box 7190  
Madison, WI 53707-7190  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
dpsmonitoring@wi.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

#### Petitions for Modification

- A.9. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two (2) 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 (2) 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.
- A.10. Applicant may petition for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least two (2) years. "Practice in compliance" includes the submission of work reports and/or Treater(s) reports, the content of which are satisfactory to the Board, Department Monitor, or their designee(s).

#### Costs

- A.11. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

#### Suspension

- A.12. In the event that 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 18 day of December, 2018

By: Robert Delster  
A Member of the Real Estate Examining Board

NOV 29 2018

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

DEPT OF SAFETY & PROFESSIONAL SERVICES  
DIV OF LEGAL SERVICES & COMPLIANCE

IN THE MATTER OF APPLICATION FOR  
A REAL ESTATE SALESPERSON  
LICENSE

DANIELLE FENNESSY,  
APPLICANT.

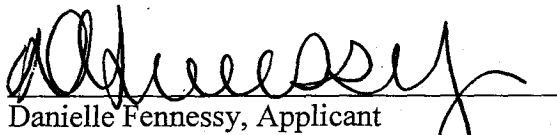
STIPULATION

0006004

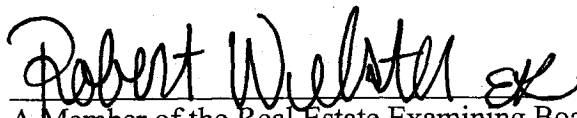
It is hereby stipulated between the above-referenced Applicant and the Real Estate Examining Board (Board) as follows:

- I. The Applicant has filed an application for a license as a Real Estate Salesperson.
- II. Information received by the Board reflects a basis for denial of the license application.
- III. Based upon the information of record herein, 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 adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - a) the right to request a hearing related to the denial of the application;
  - b) assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence:
    - i. the right to confront and cross-examine the witnesses against Applicant;
    - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
    - iii. the right to testify on Applicant's own behalf;
    - iv. 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;
    - v. the right to petition for rehearing; and
  - c) all other applicable rights afforded to the Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. 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.

- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

  
Danielle Fennessy, Applicant  
2440 S. Kinnickinnic Ave., Apt. 303  
Milwaukee, WI 53207  
Application no. 651308

11/26/18  
Date

  
A Member of the Real Estate Examining Board  
Department of Safety and Professional Services  
4822 Madison Yards Way  
P.O. Box 7190  
Madison, WI 53707-7190

12/6/18  
Date