

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE WISCONSIN REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR :
REAL ESTATE SALESPERSON CREDENTIAL :

ORDER GRANTING
LIMITED LICENSE

JOSHUA SLATON,
APPLICANT.

ORDER 0007059

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

Joshua Slaton
Stevens Point, WI, 54481

Wisconsin Real Estate Examining Board
4822 Madison Yards Way
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 resolution of this renewal application, subject to the approval of the Wisconsin 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. Applicant Joshua Slaton (Birth Year: 1984) is licensed by the State of Wisconsin as a Real Estate Salesperson having Real Estate Salesperson credential number 86356-94; first issued on May 3, 2001, and current through December 14, 2018. Applicant's most recent address on file with the Department of Safety and Professional Services (Department) is in Stevens Point, WI, 54481.

2. On or about December 14, 2018, Applicant filed an application to renew the above-referenced credential.

3. Between August 20, 2001 and November 21, 2018, information on file establishes that Applicant had the following convictions:

- a. On or about August 20, 2001 – Operate Vehicle without Consent-Passenger, a misdemeanor conviction.

- b. On or about October 9, 2002 – Take and Drive Vehicle – Party to a Crime, a felony conviction.
- c. On or about July 15, 2003 – Manufacture/Deliver Cocaine (>5-15g), a felony conviction.
- d. On or about December 20, 2005 – Operating While Intoxicated-1st, an ordinance violation.
- e. On or about December 22, 2005 – Battery, a misdemeanor conviction.
- f. On or about February 19, 2014 – Possession of THC, a misdemeanor conviction.
- g. On or about February 19, 2001 – Operating While Intoxicated-2nd, a misdemeanor conviction.
- h. On or about November 21, 2018 – Operating While Intoxicated-3rd, a misdemeanor conviction.
- i. On or about November 21, 2018 – Resisting or Obstructing an Officer, a misdemeanor conviction.
- j. On or about November 21, 2018 – Resisting / Failing to Stop, a misdemeanor conviction.

4. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board (Board) has jurisdiction over this matter, pursuant to Wis. Stat. § 452.05(1)(a), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. The facts and circumstances of the violation(s) and/or conviction(s) referenced above substantially relate to the practice of a Real Estate Salesperson. A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Indus. Review Comm’n*, 139 Wis. 2d 805,824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g. the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.* The practice of a Real Estate Salesperson requires driving to properties and driving clients on occasion. The Board has concerns about your competence to transact the business of real estate in a manner that safeguards the interests of the public, given your convictions and the time that has passed since. Applicant has been found to have violated Wisconsin Stat. §§ 943.23(4m), 943.23(2), 939.05, 961.41(1)(cm)2., 346.63(1)(a), 940.19(1), 961.41(3g)(e), 946.41(1), and 346.04(2t) subject to Wis. Stat §§ 111.321, 111.322, 111.335.

3. As a result of the conclusions stated above, Applicant’s Real Estate Salesperson credential renewal application is subject to denial or limitations against his license, pursuant to Wis. Stat. §§ 440.08(4) and 452.25(1) and Wis. Admin. Code REEB § 24.03(2)(b).

ORDER

- 1. The attached Stipulation is accepted.

2. Applicant Joshua Slaton's Real Estate Salesperson credential, (no. 86356-94) is hereby LIMITED and subject to the following limitations, terms, and conditions from the date of this Order.

Practice Limitations

3. Applicant shall, at all times, practice as a Real Estate Salesperson under the supervision of a Wisconsin Real Estate Broker approved by the Board. Approval shall be obtained through correspondence with the Department of Safety and Professional Services Monitor (Department Monitor).

4. Applicant shall show a copy of this Order to his 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.

5. Applicant shall not drive current or prospective clients in a motor vehicle.

6. Applicant shall maintain absolute sobriety.

Reporting Requirements

7. It is Applicant's responsibility to arrange for his broker-supervisor(s)/employer(s) to provide work reports to the Department Monitor on a quarterly basis, beginning 90 days from the date of this Order. These reports shall describe the Applicant's activities and verify that she is in compliance with the laws governing the practice of a private security person and the terms of this Order.

8. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change. In addition, 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.

9. 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 the Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant.

Department Monitor

10. 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
4822 Madison Yards Way, P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817

You may also submit this information online via the Department's Monitoring Case Management System at
<https://app.wi.gov/DSPSMonitoring>

Petitions for Modification

11. Applicant may petition the Department 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. 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. 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, and, if applicable, his treatment provider expressly supporting the specific modifications sought. 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.

12. Applicant may petition the Department 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 reports, the content of which are satisfactory to the Department or its designee.

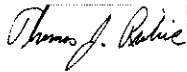
Costs

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

Suspension

14. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of the Order. The Department 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 31st day of March, 2020



CBH

A Member of the Wisconsin Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE WISCONSIN REAL ESTATE EXAMINING BOARD

IN THE MATTER OF :
REAL ESTATE SALESPERSON CREDENTIAL :
RENEWAL APPLICATION FOR :

JOSHUA SLATON, :
APPLICANT. :

STIPULATION

ORDER 0007059

Applicant Joshua Slaton and the Division of Professional Credentialing Processing, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a review of Applicant's renewal application for a Real Estate Salesperson credential. Applicant consents to the issuance of the Order attached as resolution of that application.

2. Information received by the Board reflects a basis for denial of Applicant's renewal application.

3. Based upon the information of record herein, the Board agrees to issue and Applicant agrees to accept an Order Granting a Limited License for renewal of a Real Estate Salesperson credential, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.

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

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

5. 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.

Date _____