

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. : **ORDER 0007493**

Division of Legal Services and Compliance Case No. 19 REB 083

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

Amber M. Castonguay
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 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. Respondent Amber M. Castonguay (Birth Year 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, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Watertown, Wisconsin 53098.
2. On June 15, 2017, Respondent was reprimanded and her credential was limited to require the completion of education (Final Decision and Order #0005339) in Case Number 17 REB 007 for violating Wis. Admin. Code §§ REEB 24.03(2) and REEB 24.17(1).
3. On August 13, 2019, Respondent was convicted of OWI (3rd) in Dodge County Circuit Court Case No. 19CT179. Respondent reported the conviction to the Department the same day. The Division of Legal Services and Compliance (DLSC) subsequently opened case number 19 REB 083 for investigation.

4. The police report and criminal complaint showed that on March 17, 2019, at 1:37 a.m., Respondent was pulled over for speeding. The arresting officer administered a breathalyzer test, and Respondent was found to have a BAC of .192.

5. The Judgment of Conviction form showed that Respondent was placed on probation for 18 months and ordered to serve 14 days in jail. Additionally, her driver's license was revoked for 30 months and she was ordered to have an ignition interlock for 30 months, to complete an alcohol assessment, and to pay a fine of \$1,524 plus costs.

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 24.17(1) by violating a law, the circumstances of which substantially relate to the practices of a real estate licensee.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and Wis. Admin. Code § REEB 24.17(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Amber M. Castonguay is REPRIMANDED.
3. Respondent Amber M. Castonguay's real estate broker license (no. 52564-90) is LIMITED as follows:

Practice Limitations

- a. Respondent shall not drive a current or prospective client in any motor vehicle that requires a Department of Transportation issued license for the purposes of her profession.
- b. While conducting real estate business, Respondent shall abstain from all use of alcohol and illicit substances.
- c. Respondent 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 a pending charge.

Other

- d. Respondent shall comply with all court orders in Dodge County Circuit Court Case No. 19CT179.
- e. Respondent shall provide a copy of this Order to all current and/or future employers.

Petitions for Modification

- f. Respondent may petition the Board for modification or termination of any of these limitations after completion of two (2) years of practice in compliance with all terms and conditions of this Order. Respondent'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 Respondent's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment.
- g. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

4. Within ninety (90) days from the date of this Order, Respondent Amber M. Castonguay shall pay the COSTS of this matter in the amount of \$879.

5. All submissions, including payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 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: Thomas J. Rebie
A Member of the Board

28 July 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMBER M. CASTONGUAY,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007493

Division of Legal Services and Compliance Case No. 19 REB 083

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.

Amber Castonguay 

Amber M. Castonguay, Respondent
Watertown, WI 53098
Credential No. 52564-90

05/27/2021
09:09 AM CDT

Date

Megan Reed

Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

05/27/2021

Date