

## 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/wscca>

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
FRANCOISE CAIN, :  
RESPONDENT. : **ORDER 0007494**

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Division of Legal Services and Compliance Case No. 19 REB 100

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

Francoise Cain  
Milwaukee, WI 53223

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 Francoise Cain (Birth Year 1979) is licensed by the State of Wisconsin as a real estate salesperson, having license number 81149-94, first issued on November 11, 2015 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 Milwaukee, Wisconsin.

2. On November 9, 2015, the Board issued Order Number 0004334, which granted Respondent a limited real estate salesperson license<sup>1</sup>.

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<sup>1</sup> The license was processed by the Department and issued on November 11, 2015.

3. The basis for this Board Order was that Respondent had several convictions, including three OWI convictions, in 2006, 2009, and 2013.

4. The limitations placed on Respondent's license included that she commit no new law violations and that she report to the Department any law enforcement contacts that lead to arrest, charge, or conviction within 48 hours of the contact.

5. On December 6, 2018, Respondent was convicted of OWI 4<sup>th</sup>, a felony, in Milwaukee County Circuit Court (Case No. 2018 CF 631).

6. Respondent was sentenced to ten months in jail, revocation of driver's license for 36 months, and fines and costs totaling \$1,819. She was also ordered to complete an AODA assessment.

7. On August 30, 2019, Respondent reported her conviction to the Department.

8. Respondent stated that the reason for the delay in reporting her conviction was that she had been taken straight to jail after her conviction and she thought her employer was going to send the conviction report to the Department.

9. According to the criminal complaint, Respondent was driving alone on February 7, 2018 at 12:52 a.m. when she was pulled over because she did not have her headlights on. She was found to be intoxicated with a blood alcohol concentration of .155%.

10. Respondent provided a copy of an AODA assessment completed on December 7, 2020. The assessment recommended Respondent complete 4 to 5 months of outpatient treatment.

11. 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 and by failing to report the conviction to the Department within 48 hours.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(3) by committing a new law violation and by failing to report her arrest, charge, and conviction within 48 hours of those events, as was required by Board Order 0004334.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Francoise Cain is REPRIMANDED.
3. The real estate salesperson license issued to Francoise Cain (no. 81149-94) is FURTHER LIMITED as follows:

Practice Limitations

- a. While conducting real estate business, Respondent shall abstain from all use of alcohol and illicit substances.

Other

- b. Respondent shall comply with all court orders in Milwaukee County Case No. 18 CF 631, including the payment of fines and court costs.
- c. Respondent shall provide a copy of this Order to all current and/or future employers.

Petitions for Modification

- d. 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, together with having provided proof of full compliance with Order 0004334. "Practice in compliance" includes satisfaction of all court orders in 18 CF 631, including the payment of all fines and costs. 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.
- e. 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 shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$1,179.

5. All required submissions, including payment of forfeiture and 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) 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 (no. 81149-94), 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

28 July 2021  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
FRANCOISE CAIN, :  
RESPONDENT. : **ORDER 0007494**

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Division of Legal Services and Compliance Case No. 19 REB 100

Respondent Francoise Cain 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.

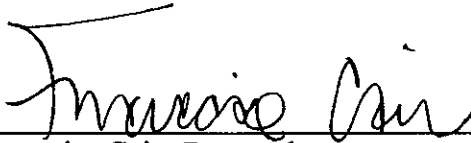
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

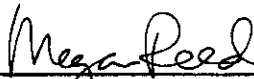
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



\_\_\_\_\_  
Francoise Cain, Respondent  
Milwaukee, WI 53223  
Credential No. 81149-94

5-7-2021

\_\_\_\_\_  
Date



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

05/13/2021

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Date