

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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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
DANYELLE M. DALBEC, :
RESPONDENT. : **ORDER 0007926**

Division of Legal Services and Compliance Case No. 21 REB 046

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

Danyelle M. Dalbec
Madison, WI 53714

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 Danyelle M. Dalbec (Birth Year 1971) is licensed in the state of Wisconsin as a real estate salesperson, having license number 89139-94, first issued on July 12, 2019 and current through December 14, 2022¹. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53714.

¹ Respondent is also licensed in the state of Wisconsin as a massage or bodywork therapist, having license number 1118-146, first issued on October 26, 2011, and expired as of February 28, 2021. Division of Legal Services and Compliance Case No. 21 MAB 008 has been opened regarding the same or similar circumstances involved in the case at hand.

2. On May 26, 2021, the Department received two (2) Report of Conviction forms from Respondent. The forms showed that Respondent had been charged with Operating While Intoxicated (OWI) in Dane County and Jefferson County, but had not yet been convicted in either case.

3. On July 11, 2020, Respondent was charged in Dane County Circuit Court, Case No. 20 CF 1751, with OWI 5th or 6th, a felony.

4. On December 8, 2020, Respondent was seen by her healthcare provider for an assessment and was diagnosed with Alcohol Use Disorder.

5. On January 10, 2021, Respondent was charged in Jefferson County Circuit Court, Case No. 21 CF 019, with OWI 5th or 6th and three (3) counts of Bail Jumping, all felony charges. She was also charged with Operating While Suspended, a traffic forfeiture, in Case No. 21 TR 294.

6. On June 10, 2021, Respondent pled no contest in Jefferson County Circuit Court, case no. 21 TR 294.

7. According to Department records, Respondent did not report any convictions in her 2019 initial real estate salesperson license application or in her 2020 license renewal application.

8. On September 21, 2021, the Department asked Respondent to provide a statement addressing why she failed to report her previous OWI convictions to the Department in her initial or renewal applications for licensure.

9. On September 22, 2021, Respondent informed the Department that she was unaware she was required to report her previous convictions, as they occurred approximately twelve (12) years ago.

10. On September 28, 2021, Respondent informed the Department that she was working on collecting documentation of her prior convictions. She provided the Department with a printout from the Wisconsin Circuit Court Access (WCCA) website listing her prior convictions, but she did not provide further documentation.

11. According to the WCCA website, Respondent was convicted of OWI 4th on June 9, 2010, OWI 3rd on April 16, 2009, and OWI 2nd on July 2, 2009. She was also convicted of two (2) counts of Operating after Revocation on December 18, 2009.

12. On September 27, 2021, the Department received the criminal complaint from Jefferson County Circuit Court including a copy of the police report. The police report stated the caller had been following a suspicious vehicle for about 20 minutes. The vehicle was driven by Respondent who was found to be intoxicated and refused to conduct the field sobriety test. She was placed under arrest and her license was suspended.

13. On September 29, 2021, the Department received the criminal complaint from Dane County Circuit Court. The criminal complaint stated that Respondent was involved in a hit and run

crash in a parking lot; she hit two parked cars and drove away from the scene into another parking lot. Respondent was later determined to have been intoxicated during the incident.

14. On October 10, 2021, the Department received an email from Respondent with documentation pertaining to her medical release of information and letters of completion of her treatment programs.

15. On October 15, 2021, Respondent was convicted of OWI 5th in Jefferson County Circuit Court, Case No. 21 CF 019. She was sentenced to 18 months in prison and 18 months of extended supervision.

16. On December 7, 2021, Respondent was convicted of OWI 6th in Dane County, Case No. 21 CF 1751. She was sentenced to 2 years in prison and 4 years of extended supervision, to run concurrently with the Jefferson County sentence.

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

CONCLUSIONS OF LAW

1. The 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. Stat. § 452.14(3)(a) by making a material misstatement in the application for a license, or in any information furnished to the board or department.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(1) by violating any law the circumstances of which substantially relate to the practices of a real estate licensee.

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

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Danyelle M. Dalbec's real estate salesperson license (no. 89139-94) is ACCEPTED.

3. In the event Respondent petitions the Board for reinstatement of her license to practice as a real estate salesperson in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$677.00, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement as a real estate salesperson in the future, Respondent shall also include with the petition proof of Respondent's current competency to practice as a Wisconsin real estate salesperson as evidenced by successful completion of all continuing education courses for the biennium immediately preceding the biennium reinstatement is sought.

5. Whether to reinstate Respondent's real estate salesperson license and whether to impose any limitations or restrictions on the license shall be in the sole discretion of the Board and such decision is not reviewable.

6. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

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

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

By: Thomas A. Rabie Date 4/14/2022
A Member of the Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANYELLE M. DALBEC,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

ORDER 0007926

Division of Legal Services and Compliance Case No. 21 REB 046

Danyelle M. Dalbec (Respondent) 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.

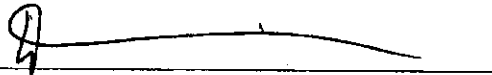
5. If the terms of this Stipulation are not acceptable to the Board the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Danyelle M. Dalbec, Respondent
Madison, WI 53714
License No. 89139-94

02/28/22
Date



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

02/28/2022
Date