

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR :
RENEWAL OF A REAL ESTATE :
SALESPERSON CREDENTIAL : ORDER GRANTING
 : LIMITED LICENSE
YASMIN GARCIA ZALAPA, :
APPLICANT. : **ORDER 0008446**

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

Yasmin Garcia Zalapa
Madison, WI 53718

Real Estate Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this initial application. The Real Estate Examining Board (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about October 28, 2022, Yasmin Garcia Zalapa (DOB 08-26-2002) (Applicant) filed an application to renew her Real Estate Salesperson credential (#96563-94).
2. Information on file establishes that:
 - A. On or about March 16, 2023, Applicant was convicted of Resisting or Obstructing an Officer, a misdemeanor violation, in Sauk County case 22 CF 374.
 - i. According to the Judgment of Conviction, Applicant was sentenced to twelve (12) months' probation with the following conditions:
 1. Undergo any counseling per agent.
 2. Maintain absolute sobriety.
 3. Prohibition on presence in bars, taverns, or liquor stores, where the primary purpose of business is the sale of alcohol.
 - B. On or about March 16, 2023, Applicant entered into a Deferred Prosecution Agreement for the charge of Vehicle Operator Flee/Elude Officer, a felony violation, in Sauk County case 22 CF 374:

- i. According to the Deferred Prosecution Agreement, Applicant agrees to:
 1. Refrain from any conduct which will create probable cause to believe that Applicant has violated criminal laws or ordinances.
 2. Comply with the terms and conditions of probation.

- C. According to the Criminal Complaint for Sauk County case 22 CF 374, on or about July 4, 2022, officers were directed to a vehicle that had struck a fence post near a bar and was trying to drive away. Applicant was operating the vehicle, shifting it from drive to reverse to try and free the vehicle. Officers asked Applicant to shut her car off and remove the keys from the ignition. Applicant initially complied with this order and was observed to have a slow reaction and glossy eyes. When Applicant shut her vehicle off, another car approached officer and the occupant, identified later as Applicant's boyfriend, asked if Applicant was "ok". While the officer's attention was on boyfriend, Applicant started her car and accelerated rapidly out of the parking lot, ignoring the officer's order to stop her vehicle. Applicant disregarded visual and audible signals from officers to stop her car. Applicant was traveling at an estimated 65 to 70 mph in a 35-mph zone, while an officer followed with lights and sirens activated. Applicant disregarded a red light and crashed her vehicle into a traffic signal at an intersection, spinning her car out into a parking lot. Police approached Applicant's vehicle with weapons drawn, ordering Applicant out of the vehicle. Applicant complied and was taken into custody. Applicant blew a PBT of .171.

- D. According to treatment records provided by Applicant, Applicant initiated treatment on August 9, 2022, and had an AODA assessment. The treatment provider concluded that Applicant met the diagnostic criteria for Alcohol Use Disorder, Moderate. Applicant was recommended for "Level I" care, with Applicant meeting monthly with the treatment provider to work on developing a personal relapse prevention plan and identify new, healthy coping strategies. A treatment update from January 20, 2023 notes that Applicant has been in compliance with treatment and that her prognosis is excellent.

3. 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 has jurisdiction over this matter pursuant to Wis. Stat. §§ 452.03(1) and 440.08(4)(a) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 452.03(1), the Board may grant a license only to a person who is competent to transact that business or occupation in a manner that safeguards the interests

of the public, and only after satisfactory proof of the person's competence has been presented to the Board.

3. Pursuant to Wis. Stat. § 440.08(4)(a), the Section may summarily deny an application for renewal if it is necessary to protect the public health, safety or welfare.

4. At this time, due to the recency and circumstances of Applicant's Resisting or Obstructing an Officer conviction, pending Vehicle Operator Flee/Elude Officer charge, and diagnosis of Alcohol Use Disorder, Moderate, Applicant has failed to show competent evidence of sufficient rehabilitation and fitness to practice as a Real Estate Salesperson without limitations.

5. Applicant, by her conduct, is subject to limitations against her credential, pursuant to Wis. Stat. §§ 452.03(1) and 440.08(4)(a).

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Real Estate Salesperson credential are necessary to ensure that she is fit and competent to safely practice as a Real Estate Salesperson.
3. Applicant's ability to practice as a Real Estate Salesperson is granted subject to the following LIMITATIONS:
 - A. For a period of two (2) years from the date of this Order:
 - i. Applicant shall maintain absolute sobriety from alcohol and drugs, unless prescribed.
 - ii. Applicant shall, at all times, practice as a Real Estate Salesperson under the supervision of a Wisconsin licensed Real Estate Broker pre-approved by the Board. Pre-approval of any future real estate broker-supervisor shall be obtained through correspondence with the Department Monitor.
 - iii. Applicant shall provide a copy of this Order to her current and any future pre-approved supervising Real Estate Broker. Applicant shall arrange for written reports from her pre-approved Real Estate Broker to be provided to the Department Monitor on a quarterly basis, as directed by the 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 real estate broker activities and whether she has practiced in compliance with all laws governing the practice of real estate brokers.
 - iv. Applicant shall provide notice of the Deferred Prosecution Agreement, Judgment of Conviction, and all court orders in Sauk County case 22 CF 374 to her supervising Real Estate Broker.

- v. Applicant shall report resolution of the pending Vehicle Operator Flee/Elude Officer charge in Sauk County case 22 CF 374 to the Department Monitor within 48 hours of resolution, including orders for dismissal and/or judgments of conviction.
- vi. Applicant shall comply with all court orders issued in Sauk County case 22 CF 374, including deferred prosecution agreements and sentencing orders.
- vii. Applicant shall successfully complete all treatment requirements and any recommended follow-up treatment or aftercare.
- viii. Applicant shall be prohibited from driving or transporting clients.
- ix. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- x. 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 forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

4. After two (2) years of successful compliance with this Order, Applicant may petition the Board for full, unrestricted license. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

5. The Board reserves the right to revise these limitations or deny the application for full licensure if Applicant is convicted of the Vehicle Operator Flee/Elude Officer charge in Sauk County case 22 CF 374.

6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered 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) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov>

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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.

8. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

By: *Liz Lauer* /TLT
A Member of the Board

03/31/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

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

YASMIN GARCIA ZALAPA, :
APPLICANT. :

STIPULATION

ORDER 0008446

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

1. Applicant filed an application to renew a Real Estate Salesperson credential #96563-94.
2. Information received by the Board reflects a basis for denial of the renewal application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting a limited 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 request a hearing related to the denial of the application;
 - 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.
6. 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.
7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

Yasmin Garcia

Yasmin Garcia Zalapa
Madison, WI 53718
License No. 96563-94

03/30/2023

Date

Liz Lawer /TLT

A Member of the Wisconsin Real Estate
Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

03/31/2023

Date