

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
 : 95 REB 372
DAVID K. STARK :
dba STARK REAL ESTATE COMPANY :
RESPONDENTS :

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

David K. Stark
717 John Nolen Drive
Madison, WI 53713

The Stark Real Estate Company
717 John Nolen Drive
Madison, WI 53713

Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 final decision of this matter, subject to the approval of the 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

1. David K. Stark (D.O.B. 3/20/54) is duly licensed in the state of Wisconsin as a real estate broker (license #24324). This license was first granted on 9/8/80.
2. Mr. Stark's latest address on file with the Department of Regulation and Licensing is 717 John Nolen Drive, Madison, WI 53713.

3 The Stark Real Estate Company (717 John Nolen Drive, Madison WI) is duly licensed to practice as a real estate corporation in the state of Wisconsin (license #30722). The license was first granted on 1/9/84.

4. David Stark is and was at all times relevant to this action the managing broker of The Stark Real Estate Company.

5. Between January 1, 1995 and June 18, 1996, Scott Kramer practiced real estate sales in Wisconsin as an employee of The Stark Real Estate Company. During this period of time, Mr. Kramer's Wisconsin license to practice as a real estate salesperson had expired.

CONCLUSIONS OF LAW

The conduct described above constitutes a basis for disciplinary action against the respondents, pursuant to Wis. Stats. sec. 452.03, 452.12(3), and 452.14, and Wis. Adm. Code RL 17.07 and RL 24.17(3).

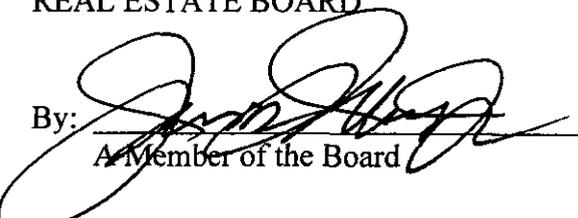
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Respondent David K. Stark is REPRIMANDED.
2. Respondent The Stark Real Estate Company is REPRIMANDED.
3. Within thirty (30) days from the date of this Order, respondents shall pay partial costs of this proceeding in the amount of ONE HUNDRED dollars [\$100.00].
4. Payment of all costs and forfeitures shall be made via check or money order payable to the Wisconsin Department of Regulation and Licensing, Attn: Department Monitor, PO Box 8935, Madison, WI 53708.
5. In the event that respondents fail to timely comply with the terms and conditions set forth above, their licenses shall be SUSPENDED, without further notice or hearing, until such time as compliance is gained with the terms of this Order

This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By: 

A Member of the Board

12/12/96
Date

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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 DAVID K. STARK, : STIPULATION
 dba STARK REAL ESTATE COMPANY : 95 REB 372
 RESPONDENTS :

It is hereby stipulated between David K. Stark, personally on his own behalf and on behalf of Stark Real Estate Company; and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (95 REB 372). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waives their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify; 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

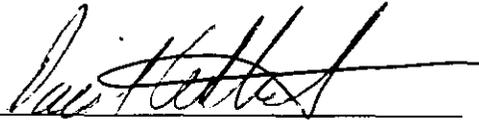
3. Respondents are aware of their right to seek legal representation and have been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Real Estate 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.

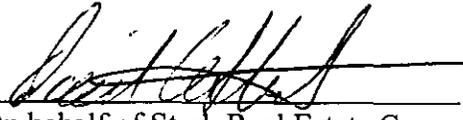
6. The parties to this stipulation agree that member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final decision maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with deliberations on the stipulation.

7. The Division of Enforcement joins Respondents in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.



David K. Stark

12/6/96
Date



On behalf of Stark Real Estate Company

12/6/96
Date



Steven M. Gloe, Attorney
Division of Enforcement

12.11.96
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On December 12, 1996, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: 95REB372

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: January 11, 1997

NAME: David K. Stark LICENSE NUMBER: 24324

STREET ADDRESS: 717 John Nolen Drive

CITY: Madison STATE: WI ZIP CODE: 53713

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

For Receipting Use Only

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

David K. Stark,
dba Stark Real Estate Company,

AFFIDAVIT OF MAILING

Respondents.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

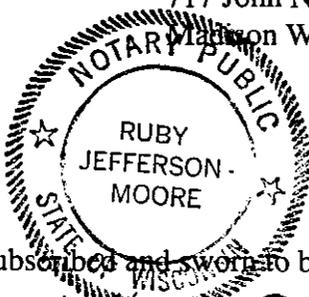
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On December 16, 1996, I served the Final Decision and Order dated December 12, 1996 and Guidelines for Payment of Costs and/or Forfeitures upon the Respondents David K. Stark, dba Stark Real Estate Company, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondents and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 294.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondents's last-known address and is:

David K. Stark,
dba Stark Real Estate Company
717 John Nolen Drive
Madison WI 53713



Subscribed and sworn to before me

this 16th day of December, 1996.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin

My commission is permanent.

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

December 16, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)