

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**

**BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF THE DISCIPLINARY**

**PROCEEDINGS AGAINST**

**DAVID J. REHBERG**

**RESPONDENT.**

**FINAL DECISION AND ORDER**

**99 REB 013**

**LS9912096REB**

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

*David J. Rehberg  
4218 W. Cherrywood Ln  
Brown Deer, WI 53209*

*Wisconsin 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 disposition 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 J. Rehberg** ("Rehberg"), date of birth 02/11/61, is licensed in the State of Wisconsin as a real estate broker having license # 90-24757. This license was first granted to him on 1/05/81. Rehberg's most recent address on file with the Department of Regulation and Licensing is 4218 W.Cherrywood Lane, Brown Deer, WI 53209.

2. Rehberg was at all time relevant to the facts set forth herein employed by First Choice Realty of Wisconsin, LLC. located at 4218 W Cherrywood Lane, Brown Deer, WI 53209, license # 91 700002.

3. David Rehberg and Duane Rehberg were co-owners of a building located at 2323-37 West Wells St., Milwaukee WI. In December 1993, the building was destroyed by fire and the City of Milwaukee requested the demolition of the remaining structure. The Rehbergs attempted to negotiate with the City regarding the costs of the demolition, however, the parties did not reach an agreement and the City proceeded to tear down the structure. The following year, the Rehbergs received a bill from the City, which included the annual property taxes and the cost of the demolition. After consulting with their attorney, John Savage, the Rehbergs decided to deed the property back to the city of Milwaukee in lieu of the back taxes and demolition costs.

4. On or about August 30, 1995, the Rehbergs drafted a Quit Claim Deed, conveying the property located at 2323-37 West Wells St., Milwaukee WI. to the City of Milwaukee. This document was signed by David and Duane Rehberg on August 30, 1995. Adjacent to the Rehbergs signatures appeared the words " This deed is in lieu of payment." This document was recorded at the Register's office in Milwaukee County on September 15, 1995. A copy of the Quit Claim Deed is attached as **Exhibit 1** and is incorporated herein by reference.

5. On or about August 30, 1995, the Rehbergs drafted a Wisconsin Estate Transfer Return. On line 1 of the Wisconsin Estate Transfer Return, David and Duane Rehberg's name appear as the Grantors. On line II of the Wisconsin Estate Transfer Return, the City of Milwaukee appears as the Grantee. Below the statement, "We declare under penalty of law, that this return has been examined by us and to the best of our knowledge and belief it is true, correct and complete," the signatures of David and Duane Rehberg appear. David Rehberg's signature is written on the line for the Grantee. Duane Rehberg's signature appears on the line for the grantor.

6. David Rehberg indicated that he did not realize that they had signed the Transfer Tax form incorrectly. A copy of the Wisconsin Estate Transfer Return is attached as **Exhibit 2** and is incorporated herein by reference.

7. Because the Wisconsin Estate Transfer Return was not approved and signed by an official for City of Milwaukee, as the Grantee for property, the attempted transfer was not accepted by the City of Milwaukee and the City did not recognize ownership of the property.

8. On or about October 26, 1998, legal action was commenced in Circuit Court, Milwaukee County by the City of Milwaukee against the Rehbergs. The City sought an award of the tax delinquencies and demolition, plus all accrued interest, penalties and costs. A copy of the Complaint with Exhibits, Case No. 98 CV008412, filed October 26, 1998, is attached as **Exhibit 3** and is incorporated herein by reference.

9. Upon notice of the Complaint against them, the Rehbergs promptly forwarded the total amount for the delinquent taxes, interest, and penalties.

10. On or about December 21, 1998, the City of Milwaukee filed with the Circuit Court, Milwaukee County a "Notice of Unilateral and Voluntary Dismissal of City's Action Against Rehbergs." This document dismissed the City of Milwaukee's complaint and action, A copy of the *Notice of Unilateral and Voluntary Dismissal of City's Action Against Rehbergs* filed December 21, 1998, is attached as **Exhibit 4** and is incorporated herein by reference.

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **David J. Rehberg** has violated:
  - a. Wis. Adm. Code secs. RL 16.03; RL 16.06(7); RL 16.07; RL 24.17(3); and Wis. Stats. secs. 452.14(3)(i) by failing to accurately complete the Department of Revenue Real Estate Transfer Tax Return in an attempted conveyance of certain property to the City of Milwaukee in lieu of foreclosure.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that **David J. Rehberg's**, license No. 90 24757 be, and hereby is, **Reprimanded**.

IT IS FURTHER ORDERED, that Respondent **David J. Rehberg**, within six months of the date of this Order, successfully complete the following course modules from the 36 hour pre-licensing real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

- a. The two hour Contracts module-section RL 25.02(2)(a), of the Wisconsin Administration Code and.
- b. The four hour Business Ethics module-section RL 25.02(2)(g), of the Wisconsin Administration Code.

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that Respondent **David J. Rehberg** shall pay partial costs of this matter in the amount of \$200.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **David J. Rehberg** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent David J. Rehberg, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of

the Board.

IT IS FURTHER ORDERED, that file 99 REB 013 is hereby closed.

Dated this 9th day of December, 1999.

**WISCONSIN REAL ESTATE BOARD**

By: James Imhoff

A member of the Board