

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." 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/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN

BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

RICHARD A. ROSHAK

FINAL DECISION AND ORDER

RESPONDENT

LS0009121REB

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

Richard A. Roshak

2363 LaRue Ln.

Green Bay, WI 54313

Wisconsin Real Estate Board

P.O. Box 8935

Madison, WI 53708

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. **Richard A. Roshak** ("Roshak"), date of birth 01/20/45, is licensed in the State of Wisconsin as a real estate salesperson having license # 94-37471. This license was first granted to him on 6/22/92.
2. Roshak's most recent address on file with the Department of Regulation and Licensing is 2363 LaRue LN., Green Bay, WI 54313.
3. At all times relevant hereto, Roshak was a real estate salesperson for Round Table Real Estate located at, 2650 S. Ashland Ave., Green Bay, WI 54304. The matters described in paragraphs 4-6 below were not directly connected to his employment at Round Table Real Estate.
4. On or about November 10, 1998, Margene Roshak and Respondent were divorced. As part of the divorce settlement Margene Roshak was to convey to Respondent her interest in property they jointly held at 2363 LaRue Lane, Green Bay, WI. She did this by Quit Claim Deed dated November 10, 1998, as drafted by her attorney Lise Lotte Gammeltoft. A Wisconsin Real Estate Transfer Return was also prepared at this time by attorney Gammeltoft and signed by Margene Roshak and Respondent. This conveyance was thus certified by Margene Roshak and Respondent as being exempt from any Wisconsin real estate transfer fees as per Wis. Stats. sec 77.25(8m) – transfer between husband and wife. The Quit Claim Deed and Wisconsin Real Estate Transfer Return document were provided to Respondent on or about November 10, 1998. A copy of the November 10, 1998, Quit

Claim Deed from Margene Roshak to Richard Roshak is attached as **Exhibit 1** and is incorporated herein by reference. A copy of the Wisconsin Real Estate Transfer Return is attached as **Exhibit 2** and is incorporated herein by reference

5. Shortly after November 10, 1998, Carol Manders purchased an interest in the 2363 LaRue Lane property from Respondent. To reflect that interest Respondent altered, or had altered, the Quit Claim Deed from Ms. Roshak (Exhibit 1) without her knowledge and consent as follow; The third and fourth lines of the document "the following described real estate in Brown County, State of Wisconsin" were whited out and the following typed in " Carol M. Manders a single person as joint tenants with right of survivorship, the following described real estate in Brown County, Wisconsin." The "Return To" section of Exhibit 1 was also altered from "Return to; Attorney Lise Lotte Gammeltoft P.O. Box 1925 Green Bay, WI 54305-1925 " to "Return to; Richard A. Rashak 2363 LaRue Lane, Green Bay, Wisconsin 54115." The Deed still claimed exemption from any Wisconsin real estate transfer tax citing Wis. Stats. sec. 77.25(8m)-transfer between husband and wife. The Quit Claim Deed as altered with an additional grantee, was filed by, or on behalf of, the Respondent with Brown County Register of Deeds on November 27, 1998. A copy of the altered Quit Claim Deed as filed on November 27, 1998, is attached as **Exhibit 3** and is incorporated herein by reference.

6. The Deed filed by Respondent or a third party was audited by the Wisconsin Department of Revenue and contacted Attorney Gammeltoft who became aware for the first time that the Deed as she originally drafted had been altered. To correct this altered deed Ms. Roshak filed a corrected Deed on January 8, 1999, with a notation being made on the corrected Deed as follows; "This deed is being re-recorded to reflect the true intention of the grantor and drafter and to identify the grantee as Richard A. Roshak, a single man (Carol M. Manders was added as a grantee without the knowledge or consent of the grantor or drafter sometime after deed was executed)." A copy of the corrected Quit Claim Deed as filed on January 8, 1999, 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 **Richard A. Roshak** has violated:
 - a. Sections RL 16.06(8), RL 24.085, RL 24.03(2)(b), and RL 24.17(3) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by altering or having altered the November 10, 1998, Quit Claim Deed from his ex-wife Margene Roshak (Exhibit 1), without her knowledge or consent, so as to include as a grantee Carol Manders thereby falsely portraying an interest in real estate in Carol Manders from Margene Roshak and then by filing or having filed that altered Deed (Exhibit 3) with the Brown County WI Register of Deeds on November 27, 1998.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Richard A. Roshak**, license #94-37471, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Richard A. Roshak**, within six months of the date of this Order, successfully complete the following course modules from the 72 hour pre-licensing real estate salesperson's course at an educational institution approved by the Department of Regulation and Licensing:

- a. The Title Records And Transfer Of Title module-section RL 25.03(3)(i), of the Wisconsin Administration Code and,
- b. The Ethical Real Estate Practices module-section RL 25.03(3)(m), 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 in the event Respondent **Richard A. Roshak** 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 **Richard A. Roshak**, 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 Respondent **Richard A. Roshak**, pay **PARTIAL COSTS** in this matter in the amount of a \$300.00, 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 **Richard A. Roshak** fails to pay the \$300.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Richard A. Roshak**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 99 REB 041 be, and hereby is, closed.

Dated this 7th day of December, 2000.

WISCONSIN REAL ESTATE BOARD

James Imhoff, Jr.

A member of the Board