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BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
 PROCEEDINGS AGAINST :
 : LS0209263REB
 DAVID F. SHANER, :
 RESPONDENT. :

FINAL DECISION AND ORDER

The parties to this action for the purposes of § 227.53, Stats., are:

David F. Shaner
300 E. Parkway Estates Drive
Oak Creek, WI 53154

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 decision of this matter subject to the approval of the Real Estate 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 F. Shaner, Respondent, date of birth August 7, 1932, is licensed as a real estate broker in the state of Wisconsin pursuant to license number 21449, which was first granted January 4, 1979.

2. Respondent's last address reported to the Department of Regulation and Licensing is 300 E. Parkway Estates Drive, Oak Creek, WI 53154.

3. On June 28, 2000, based on his plea of no contest, Respondent was convicted in Cook County, Illinois of having committed, on April 26, 2000, the offense of Indecent Solicitation of a Child, in violation of Chpt. 720 Act 5 §11-6(a) of the Illinois Compiled Statutes 1992 as amended.

4. A June 2000 psychological evaluation of Respondent noted that Respondent had been going through a difficult period in his life as a result of the recent death of his wife of 48 years. It concluded that his grief, loneliness and depression led to his poor judgment. It also concluded that he was not a pedophile.

5. Respondent was placed on two years probation, which was transferred to Milwaukee County Wisconsin, where Respondent resides. During June 2002, Respondent successfully completed the probation for that conviction and was discharged from probation.

6. Although the conduct which resulted in Respondent's conviction did not take place while Respondent was functioning as a real estate broker, the conviction of indecent solicitation of a child is a conviction of a crime, the circumstances of which substantially relate to the practice of a real estate broker.

7. Respondent wishes to surrender his license as a real estate broker in the State of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to § 452.14, Stats.

2. The Wisconsin Real Estate Board is authorized to enter into this stipulated resolution pursuant to § 227.44(5), Stats.

3. Respondent, by having been convicted of Indecent Solicitation of a Child, Chpt. 720 Act 5 § 11-6(a) of the Illinois Compiled Statutes 1992 as amended, is subject to discipline pursuant to § 452.14(3)(i), Stats., and Wis. Admin. Code § RL 24.17(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the voluntary surrender of Respondent's real estate broker's license is hereby accepted, effective immediately.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 26th day of September, 2002.

Ricard Kollmansberger

Chairperson

Real Estate Board