

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF A PETITION FOR :
AN ADMINISTRATIVE INJUNCTION : **FINAL DECISION AND ORDER**
INVOLVING :
BERNARD SEIDLING, : Case No. LS 0509191 UNL
RESPONDENT :

Division of Enforcement Case Nos. 04 UNL 098 and 05 UNL 080

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

Bernard Seidling
132 N. Indies Drive
Marathon, FL 33050

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation & Licensing
1400 East Washington Avenue
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 Department of Regulation & Licensing. The Department has reviewed the attached Stipulation and considers it acceptable. Accordingly, the Department adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. The Respondent is Bernard Seidling, whose recent addresses include the following: P. O. Box 3006, Eau Claire, WI 54702; P. O. Box 13017, Hayward, WI 54843; 4130 Birchcrest Lane, Eau Claire, WI 54701; and 132 N. Indies Drive, Marathon, FL 33050.
2. Prior to March 31, 2006, Mr. Seidling did not hold any real estate credential issued by the Wisconsin Department of Regulation and Licensing.
3. Between January 1, 1994 and March 31, 2005, Mr. Seidling signed official documents transferring interests in real estate to others. The documents include warranty deeds, land contracts, trustees deeds, corporation deeds, and quit claim deeds. More than ten transfers occurred during the five-year period from April 1, 2000 to March 31, 2005.
4. Bernard Seidling disputes the Department's allegation that the transfers in paragraph 3 lead to a conclusion of law that he acted as a real estate broker without a license by engaging wholly or in part in the business of selling real estate to the extent that a pattern of sales was established.
5. A limited license to practice as a real estate salesperson was issued to Mr. Seidling on March 31, 2006.
6. The Petitioner, Division of Enforcement, Department of Regulation and Licensing, and the Respondent, Bernard Seidling, acknowledge that the allegations of the petition are in dispute but wish to resolve this matter by Stipulation.

CONCLUSIONS OF LAW

A. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter, pursuant to sections 440.21, 452.03 and 452.05 of the Wisconsin Statutes, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. sec. 227.44(5).

ORDER

NOW, THEREFORE, THE DEPARTMENT OF REGULATION AND LICENSING ISSUES THE FOLLOWING ORDERS:

I. The pending Petition for an Administrative Injunction Involving Bernard Seidling, case # LS-0509191-UNL, is hereby dismissed.

II. If Bernard Seidling's license to practice as a Real Estate Salesperson is suspended or revoked, the following Special Order of Injunction shall be issued immediately and automatically upon the presentation to the Department Secretary of a copy of the order of suspension or revocation: BERNARD SEIDLING IS ENJOINED ADMINISTRATIVELY FROM PRACTICING REAL ESTATE IN WISCONSIN WITHOUT A LICENSE ISSUED BY THE DEPARTMENT OF REGULATION AND LICENSING.

III. If the Department receives credible evidence that following the issuance of his salesperson's license, Bernard Seidling has engaged in the practice of real estate that is not authorized by his license, the following Special Order of Injunction shall be issued immediately and automatically upon the filing with the Real Estate Board of a formal disciplinary complaint: BERNARD SEIDLING IS ENJOINED ADMINISTRATIVELY FROM PRACTICING REAL ESTATE IN WISCONSIN WITHOUT A LICENSE ISSUED BY THE DEPARTMENT OF REGULATION AND LICENSING. Mr. Seidling shall have the right to challenge the issuance of the Special Order of Injunction as an issue to be considered in the disciplinary hearing under ch. RL 2, Wis. Admin. Code, and the burden shall be on the Division of Enforcement to prove its allegations, and evidence of unlicensed practice prior to March 31, 2006 may be offered to support the issuance of the Administrative Injunction; however, only activities subsequent to March 31, 2006 may be the basis for initiating the formal disciplinary complaint. The Special Order of Injunction shall remain in effect until the hearing process is complete and the challenge is resolved.

Any person who violates a Special Order of Injunction may be required to forfeit \$10,000 for each offense, and each day of continued violation constitutes a separate offense.

FOR THE DEPARTMENT OF REGULATION AND LICENSING

By: Celia Jackson, Secretary

8/8/06

IN THE MATTER OF A PETITION FOR :
AN ADMINISTRATIVE INJUNCTION : **STIPULATION**
INVOLVING :
BERNARD SEIDLING, : Case No. LS 0509191 UNL
RESPONDENT :

Division of Enforcement Case Nos. 04 UNL 098 and 05 UNL 080

To: Attorney Michael A. Jacobson
Hammarback, Murray & Jacobson SC
714 N Main St., PO Box 467
River Falls, WI 54022-0467

It is hereby stipulated between Bernard Seidling and his attorney, Michael A. Jacobson; and John Nicholas Schweitzer, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending hearing on allegations of unlicensed practice of Real Estate by the Respondent. The Respondent consents to the resolution of this investigation by stipulation and without a hearing.

2. The Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. The Respondent has obtained the advice of legal counsel prior to signing this stipulation. Respondent is represented by Attorney Michael A. Jacobson, Hammarback, Murray & Jacobson SC, 714 N Main St., PO Box 467, River Falls, WI 54022-0467.

4. The Respondent agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing. 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. The Respondent waives all rights to any appeal of the Department's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Department in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary of the Department or her designee may have in connection with the Department's deliberations on the Stipulation.

7. The Respondent is informed that should the Department adopt this Stipulation, the Department's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins the Respondent in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Bernard Seidling
132 N. Indies Drive
Marathon, FL 33050

Date

Michael A. Jacobson
Hammarback, Murray & Jacobson SC
714 N Main St., PO Box 467
River Falls, WI 54022-0467
Attorney for Mr. Seidling

Date

John Nicholas Schweitzer
Attorney for the Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date