

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
BOBBY G. GRANT, : LS0901301REB
RESPONDENT. :

Division of Enforcement Case Number 06 REB 225

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

Bobby G. Grant
Respondent
6905 67th St. Apt. 208
Kenosha, WI 53142

Real Estate Board
c/o Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

The Division of Enforcement, Department of Regulation and Licensing (Department), has opened an investigation against Respondent. The parties in this matter agree to the terms and conditions of this Final Decision and Order and the attached Stipulation as the final disposition 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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Bobby G. Grant (Grant), whose date of birth is January 31, 1964, is licensed to practice as a real estate salesperson (#94-63908) in the State of Wisconsin, which was first granted on May 17, 2005, and which will expire on December 15, 2008. Mr. Grant's last address reported to the Department of Regulation and Licensing is 6905 67th Street, Apt. 208, Kenosha, WI 53142.

2. On May 9, 2005, Mr. Grant signed and submitted a form, Convictions and Pending Charges, as part of his application a Real Estate Salesperson. The application contained the following question: "Have you ever been sentenced to: Probation; Parole...." Mr. Grant answered the question by checking the "YES" boxes next to the words, "Probation," and "Parole," and further indicated that Probation was completed on March 28, 1999, and that Parole was completed on January 15, 2004. While all of these statements were correct, at the time of completion of the form, and continuing through January 15, 2014, Mr. Grant was still subject to probation.

3. On the same Convictions and Pending Charges form referred to above Mr. Grant was asked to, "List all felonies, misdemeanors... of which you have ever been convicted... (and) For each, list the date and location of the conviction." In response, Mr. Grant listed a conviction "2nd Degree Sexual Assault 4/8/96 Kenosha WI."

4. In connection with the same 1996 case, Mr. Grant had also been convicted of the following crimes in Kenosha, WI, on 4/8/96: Intimidating a Victim by Threatening Use of Force, contrary to Wis. Stat. § 940.45(2), a Class D Felony; Battery, contrary to Wis. Stat. § 940.19(1), a Class A Misdemeanor; False Imprisonment, contrary to Wis. Stat. § 940.30, a Class E Felony; and Criminal Trespass to Dwelling, contrary to Wis. Stat. § 943.14, a Class A Misdemeanor. Mr. Grant asserts that he did not attempt to deceive the Department of Regulation and Licensing by failing to note these four additional criminal convictions that were part of his 1996 criminal case.

5. Per Wis. Stat. § 452.14(3), "The board may revoke, suspend or limit any broker's... license... or reprimand the holder of the license... if it finds that the holder of the license... has: (a) Made a material misstatement in the application for a license or registration, or in any information furnished to the board or department;"

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. By failing to disclose that he was still subject to supervision on a form submitted in application for licensure to the Department, as set forth above in paragraphs 2 and 3 of the Findings of Fact, Respondent **Bobby G. Grant** violated Wis. Stat. § 452.14(3)(a), thereby subjecting himself to discipline.

4. By failing to fully disclose all convictions on a form submitted to the Department of Regulation and licensing in application for licensure, Respondent **Bobby G. Grant** demonstrated incompetency to act as a salesperson, and violated Wis. Stat. § 452.14(3)(i), thereby subjecting himself to discipline.

WHEREFORE, the Department of Regulation and Licensing makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **Bobby G. Grant** as a real estate salesperson (#94-63908) shall be, and hereby is, **SUSPENDED** for a period of one (1) year from the date of signing of this Order. Mr. Grant shall return all indicia of licensure, which are currently in his possession, to the Department of Regulation and Licensing within twenty (20) days of the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. The license of **Bobby G. Grant** as a real estate salesperson (#94-63908) shall be, and hereby is, **LIMITED** as follows: (a) Mr. Grant must provide a copy of this Order to any broker that employs him, and the employing broker shall send a letter to the Department Monitor within seven (7) business days acknowledging receipt of a copy of the Order; (b) Mr. Grant may not be involved with any residential real estate transaction as a salesperson or broker until probation is terminated, and the employing broker shall take reasonable steps to insure that Mr. Grant has no access to residential properties; and (c) Mr. Grant shall inform his employing broker prior to meeting with any client or customer outside of the employing broker's place of business, and a log of these meetings shall be maintained by the employing broker. Mr. Grant may petition the Board for removal of these limitations after termination of all probation. These limitations shall not be construed as preventing Mr. Grant from the act of referring residential real estate customers or clients to other licensees for all services, or from receiving appropriate referral fees.

3. **Bobby G. Grant** shall pay costs of these investigations in the amount of NINE HUNDRED AND FIFTY DOLLARS (\$950.00). Costs shall be due and owing two (2) years from the date of signing of this Order.

4. Payment of costs and other submissions required by this Order shall be mailed, delivered or otherwise transmitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

5. Case number 06 REB 225 is hereby closed.
6. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

6/24/09
Date

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
:
BOBBY G. GRANT, : LS#0901301REB
RESPONDENT. :

Division of Enforcement Case Number 06 REB 225

It is hereby stipulated and agreed, by and between Bobby G. Grant, Respondent; and Mark A. Herman, Attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending formal complaint against Respondent's licensure by the Division of Enforcement (Case No. 06 REB 225). Respondent consents to the resolution of this investigation by stipulation and without proceeding to hearing.

2. 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. Respondent has been provided with the opportunity to seek legal counsel prior to signing this stipulation.

4. Respondent agrees 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board 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 any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board'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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Bobby G. Grant, Respondent
6905 67th St. Apt. 208
Kenosha, WI 53142

Date

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

Date