

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	86 REB 598
"DENNIS C. LYBERG,	:	
RESPONDENT.	:	

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

Dennis C. Lyberg
745 A Street
Chippewa Falls, WI 54729

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 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. Dennis Lyberg ("Dennis") is a real estate broker licensed to practice in the State of Wisconsin pursuant to license # 38174, granted on August 13, 1986.
2. At all times relevant to the facts set forth herein, Dennis was not licensed to practice as a real estate broker or salesperson in the State of Wisconsin.
3. Grant Lyberg ("Grant"), d/b/a Grant Lyberg Real Estate and Construction, was at all times relevant to the facts set forth herein a real estate broker licensed to practice in the State of Wisconsin pursuant to license # 9244, granted on March 10, 1960.
4. Grant agreed to sell his brother's house located at 730 Lynn Street, Chippewa Falls, WI.

5. The arrangements for Grant to act as listing broker were never reduced to writing.

6. In newspaper advertisements for the sale of his brother's property circulated prior to August 13, 1986, Grant referred callers to his telephone number or the number of his son, Dennis.

7. Prior to August 13, 1986, prospective buyers Mark and Pamela DeNeve contacted Dennis, who showed them his uncle's house.

8. In connection with the showing, Dennis made representations and otherwise engaged in conduct requiring him to be licensed as broker or salesperson.

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 Dennis C. Lyberg has violated Sec. 24.17(1), Wis. Adm. Code, by his violation of the following law, the circumstances of which substantially relate to the practices of a real estate broker:

a) Secs. 452.03 and 452.17, Wis. Stats., by advertising or holding himself out as or acting temporarily or otherwise as a broker or salesperson in this state without a license.

ORDER

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

IT IS FURTHER ORDERED, that Respondent Dennis C. Lyberg (# 38174) be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED, that the disciplinary action (# 86 REB 598) against Respondent Dennis C. Lyberg be closed.

Dated this 22nd day of March, 1990.

WISCONSIN REAL ESTATE BOARD

by: Linda S. Klammer

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
86 REB 598
DENNIS C. LYBERG, :
RESPONDENT. :

It is hereby stipulated between Dennis C. Lyberg, personally on his own behalf; the Department of Regulation and Licensing, Division of Enforcement by its Attorney Richard Castelnovo; and the Real Estate Board ("Board"), as follows:

1. This Stipulation is entered into as a result of a pending disciplinary action against Dennis C. Lyberg ("Respondent") by the Division of Enforcement (86 REB 598). Respondent consents to the resolution of this formal disciplinary proceeding by Stipulation.

2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses 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, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, and further agrees that the Board may reach the conclusions set forth in the Conclusions of Law, and may enter the Order reprimanding Respondent.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that the 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 the consideration of this attempted resolution.

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is March 23, 1990.

WLD:dms
886-490