

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

GERALD B. HALASKA and
DYNACON DEVELOPMENT
CORPORATION,
RESPONDENTS.

FINAL DECISION AND ORDER
97 REB 200

LS9710231REB

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

Gerald B. Halaska
PO Box 19
Egg Harbor, WI 54209

Dynacon Development Corporation
3695-E North 126th Street
Brookfield, WI 53005

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. **Gerald B. Halaska** ("Halaska"), date of birth 5/09/47, is licensed in the state of Wisconsin as a real estate broker, having license #90-10168. This license was first granted to him on 3/28/72.

2. Halaska's most recent address on file with the Department of Regulation and Licensing is P O Box 19, Egg Harbor, WI 54209.

3. **Dynacon Development Corporation**, ("Dynacon"), is duly licensed in the state of Wisconsin as a real estate corporation having license #91-834570. This license was first granted to it on 6/08/94.

4. Dynacon's most recent address on file with the Department of Regulation and Licensing is 3695-E North 126th Street, Brookfield, WI 53005.

5. Halaska, through his holdings in Dynacon Industries Inc., a separate corporation, is the principal shareholder in Dynacon. Halaska is the President of Dynacon.

6. Halaska, through his holdings in Dynacon Industries Inc., is also the principal shareholder in Dynacon Financial Services, Inc., a mortgage broker doing business in Wisconsin.

7. Halaska is currently the sole employee of Dynacon and also of Dynacon Financial Services, Inc.

8. Dynacon is the developer of a residential subdivision known as "Mill Place" located in Hartland, Wisconsin.

9. This investigation involves complaints from purchasers of Dynacon property located within Mill Place. These complaints assert that residential property purchased from Dynacon, and financed through Dynacon Financial Services, Inc., have come under foreclosure on account of unpaid secured liens that should have been satisfied from funds delivered to Dynacon at closing.

10. Halaska and Dynacon have offered to resolve this investigation by the voluntary surrender of their real estate broker licenses pursuant to the terms of the Order set forth below.

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 approve the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent Dynacon Development Corporation, has violated:

Section 452.14(3)(h) of the Wisconsin Statutes by having failed, within a reasonable time, to account for or remit moneys coming into its possession which moneys belong to another person.

4 Respondent Gerald B. Halaska, as the broker of record and the principal of Dynacon Development Corporation, is subject to discipline under section 452.14(3)(i) of the Wisconsin Statutes.

ORDER

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

IT IS FURTHER ORDERED, that the Voluntary Surrender of the Real Estate Broker's license of Respondent Gerald B. Halaska, P O Box 19, Egg Harbor, Wisconsin 54209, credential #90-10168, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent Gerald B. Halaska pursuant to real estate broker license #90-10168 are forever terminated effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED, that Respondent Gerald B. Halaska shall not be granted a credential under chapter 452 of the Wisconsin at any time in the future. The denial, in whole or in part, of any petition by Halaska for a credential authorized under chapter 452 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that the Voluntary Surrender of the Real Estate Broker's license of Respondent Dynacon Development Corporation, 3695-E North 126th Street Brookfield, WI 53005, credential #91-834570, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent Dynacon Development Corporation pursuant to real estate broker license #91-834570 are forever terminated effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED, that Respondent Dynacon Development Corporation shall not be granted a credential under chapter 452 of the Wisconsin at any time in the future. The denial, in whole or in part, of any petition by Dynacon for a credential authorized under chapter 452 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that file #97 REB 200 be, and hereby is, closed.

WISCONSIN REAL ESTATE BOARD

By

A Member of the Board

Date

10/23/97

1997.

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST :

GERALD B. HALASKA and
DYNACON DEVELOPMENT
CORPORATION,
RESPONDENTS. :

STIPULATION
97 REB 200

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file number 97 REB 200. **Gerald B. Halaska and Dynacon Development Corporation**, together called "Respondents" and Attorney James H. Morgan, Attorney for Respondents, and the Division of Enforcement, Department of Regulation and Licensing, by its Attorney Charles J. Howden, consent to the resolution of this matter pursuant to the terms of this Stipulation and the attached Final Decision and Order.

Respondents agree to voluntarily surrender their respective Wisconsin Real Estate Broker licenses pursuant to the terms of this Stipulation and the attached Final Decision and Order.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents have had the opportunity to consult with legal counsel regarding this matter and the legal implications of the stipulation. Respondents are represented in this matter by Attorney James H. Morgan, Morgan Law Office, N61W6321 Turner Street, P. O. Box 666, Cedarburg, Wisconsin, 53012.

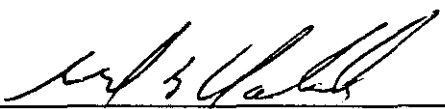
4. Respondents voluntarily and knowingly waive the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

5. With respect to the attached Final Decision and Order, Respondents neither admit nor deny the facts as set forth in the Findings of Fact, however, they both agree that the Board may make the Findings of Fact and may reach the conclusions set forth in the Conclusions of Law and enter the Order attached hereto.

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. The matter shall then be returned to the Division of Enforcement for further proceedings in this matter. In the event that the Stipulation is not accepted by the Board the parties agree not to contend that the members of the Board have been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. If the Board accepts the terms of this Stipulation, 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, subject to any approval of the Order by the United States Bankruptcy Court that may be appropriate under the circumstances. Respondents agree to join in any petition to the Bankruptcy Court that may be necessary for that Court to review this real estate disciplinary matter and to approve the attached Final Decision and Order.

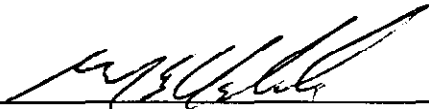
8. Respondents agree that the Division's Attorney, Charles J. Howden, may appear at any meeting with the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondents waive any right they may have to have notice of that meeting.



Gerald B. Halaska
Respondent

10-7-97

Date



Dynacon Development Corporation
Respondent
by its President Gerald B. Halaska

10-7-97

Date



James H. Morgan, Attorney
for Respondents

10-13-97

Date

Charles J. Howden

Charles J. Howden, Attorney
Division of Enforcement

I/Dynacon/stip

10/15/97
Date

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Gerald B. Halaska and
Dynacon Development
Corporation,

AFFIDAVIT OF MAILING

Respondents.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

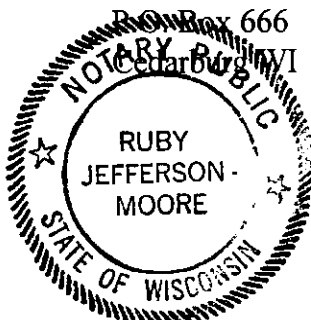
1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On October 24, 1997, I served the Final Decision and Order dated October 23, 1997, LS9710231REB, upon the Respondents Gerald B. Halaska and Dynacon Development Corporation's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondents' attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 260.

James H. Morgan, Attorney
N61W6321 Turner Street

P.O. Box 666

Cedarburg, WI 53012



A handwritten signature of Kate Rotenberg in cursive script.

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of October, 1997.

A handwritten signature of Ruby Jefferson-Moore in cursive script.
Notary Public, State of Wisconsin

My commission is permanent.

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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

October 24, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)