

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 :

VERNON F. SCHULTZ,
RESPONDENT :

FINAL DECISION AND ORDER
97 REB 042

LS9712117REB

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Vernon F. Schultz
2626 N Lakeview Ave., Apt. 303
Chicago, IL 60614

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. Vernon F. Schultz (D.O.B. 05/25/41) is duly licensed to practice as a Real Estate Broker in the state of Wisconsin (license #34813). This license was first granted on July 2, 1985.
2. Mr. Schultz's most recent address on file with the Wisconsin Real Estate Board is 2626 N Lakeview Ave., Apt. 303, Chicago, IL 60614.
3. On his application for license renewal for the 1997-98 biennium, Mr. Schultz checked the box that indicated he had taken and passed the test out examination for continuing education

required for licensure renewal. Mr. Schultz had in fact not taken the test out examination at the time he submitted his license renewal application.

4. In April, 1997, Mr. Schultz successfully completed the continuing education courses required for the 1997-98 license biennium renewal.

5. In resolution of this matter, Mr. Schultz consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to sec. 452.14, Stats.

2. By the conduct described above, respondent violated secs. 452.12 (5) (c) and 452.14(3), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Real Estate Broker license (license #34813) of Vernon F. Schultz shall be **SUSPENDED** for a period of 30 DAYS to commence on a date fifteen days following the signing of this Order.

2. The Real Estate Broker license (license #34813) of Vernon F. Schultz is **LIMITED** as follows:

a. In conjunction with any application for renewal or reinstatement of licensure with this Department, the Respondent must provide independent documentation acceptable to the Board attesting to completion or other satisfaction of the continuing education requirement(s) for the licensure period in question.

b. Within thirty (30) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing a **FORFEITURE** of **TWO HUNDRED AND FIFTY** dollars (\$250.00). ***Payment shall be made by certified check or money order*** and payable to the Wisconsin Department of Regulation and Licensing.

c. Within thirty (30) days from date of this Order, the Respondent shall pay to the Department of Regulation and Licensing partial **COSTS** of the investigation and prosecution of this action in the sum of **ONE HUNDRED** dollars (\$100.00). ***Payment shall be made by certified check or money order*** and payable to the Wisconsin Department of Regulation and Licensing.

3. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and documentation. The Department Monitor may be reached as follows:

Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By: 
On behalf of the Board

12/11/97
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
VERNON F. SCHULTZ	:	97 REB 042
RESPONDENT	:	

It is hereby stipulated between Vernon F. Schultz, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Schultz's licensure by the Division of Enforcement (97 REB 042). Mr. Schultz consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Schultz understands that by the signing of 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, and the Wisconsin Administrative Code.

3. Mr. Schultz is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

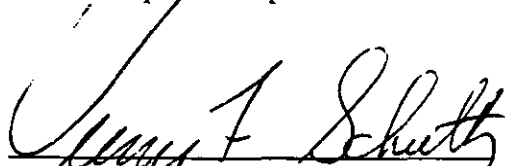
4. Mr. Schultz agrees to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to 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 the consideration of this attempted resolution.

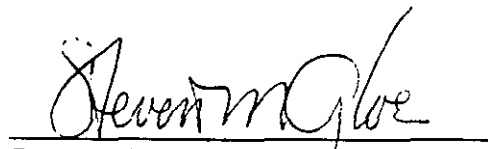
6. The parties to this stipulation agree that member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final

decision maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with him or his deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Schultz in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.


Vernon F. Schultz

11-2-97
Date


Steven M. Gloe, Attorney
Division of Enforcement

11.6.97
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On December 11, 1997, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: LS9712117REB

The amount of the forfeiture is: \$250.00 Case # LS9712117REB

Please submit a check or a money order in the amount of \$ 350.00

The costs and/or forfeitures are due: January 10, 1998

NAME: Vernon F. Schultz LICENSE NUMBER: 34813

STREET ADDRESS: 2626 North Lakeview Avenue, Apt. 303

CITY: Chicago STATE: IL ZIP CODE: 60614

Check whether the payment is for costs or for a forfeiture or both:

X COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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For Receipting Use Only

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

In the Matter of the Disciplinary Proceedings Against

Vernon F. Schultz,

AFFIDAVIT OF MAILING

Respondent.

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 December 16, 1997, I served the Final Decision and Order dated December 11, 1997, Guidelines for Brokers whose Licenses have been Suspended or Revoked, and Guidelines for Payment of Costs and/or Forfeitures, LS9712117REB, upon the Respondent Vernon F. Schultz by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent 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 221 157 659.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Vernon F. Schultz
2626 N. Lakeview Avenue, Apt. 303
Chicago IL 60614



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 16th day of December, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: VERNON F SCHULTZ

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 12/16/97. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935