

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

---

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
JOSEPH J. ZIPPERER, :  
RESPONDENT :  
 :  
FINAL DECISION AND ORDER  
97 REB 215  
 :  
LS9802262 REB

---

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

Joseph J. Zipperer  
12 South Pontiac  
Janesville, WI 53545

Real Estate Board  
1400 East Washington Avenue  
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. Joseph J. Zipperer (D.O.B. 08/31/74) is duly licensed in the state of Wisconsin as a Real Estate Salesperson (license #39169). This license was first granted on April 27, 1993.
2. Mr. Zipperer's latest address on file with the Department of Regulation and Licensing is 12 South Pontiac, Janesville, WI 53545.

3. On or about May 19, 1997, Mr. Zipperer was found guilty of one count of violation of sec. 944.20(2), Stats. (Indecent Exposure). True and correct copies of the criminal complaint and judgment of conviction in this matter are attached to this Complaint as Exhibit A. Exhibit A is incorporated by reference into this Complaint.

5. Mr. Zipperer failed to timely report this conviction to the Board, as required by Wis. Admin. Code sec. RL 24.17.

6. Since his conviction, Mr. Zipperer has voluntarily refrained from the practice of real estate, pending resolution of this matter with the Board.

7. In resolution of this matter, Mr. Zipperer 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. 440.26, 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. The conviction referred to in paragraph 3 above, constitutes a basis for disciplinary action against Respondent's license to practice as a Real Estate Salesperson in the state of Wisconsin, pursuant to sec. sec. 452.14(3)(i), Stats. and Wisconsin Administrative Code §RL 24.17(1) and (2).

#### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that

1. Upon receipt of a current comprehensive report from a mental health provider acceptable to the Department attesting to Applicant's ability to safely and competently practice, Joseph J. Zipperer may resume practice as a real estate salesperson, subject to the limitations, terms and conditions set forth below.

a. The assessor shall have experience in treatment of sexual offenders, and the Board shall utilize input from the Division of Enforcement's Mental Health & Inappropriate Sexual Activities unit [MHISA] in determining its approval of a proposed provider.

b. If the assessor recommends a chemical dependency assessment, Mr. Zipperer shall obtain an assessment from an AODA health care provider acceptable to the Board.

c. The assessment report(s) shall reflect that the assessor has seen and reviewed a copy of this Order as well as copies of investigative materials provided by the Division.

d. Mr. Zipperer shall be responsible for the costs of all assessments, reports, monitoring and treatment required pursuant to this Order.

e. Mr. Zipperer shall provide the Board with current releases complying with state and federal laws, authorizing release and access to any assessment or treatment records relevant to this Order.

### **Treatment Required**

2. If treatment is recommended, Respondent shall maintain successful participation in any program of treatment or counseling recommended as a result of the assessment(s) performed in compliance with paragraph 1, above.

### **SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS**

#### **Disclosure**

3. Respondent shall provide any current or prospective real estate employers with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of employment during the time in which the Order is in effect.

#### **Required reporting**

4. Respondent shall report to the Board any change in employment status, change of residence address or phone number, within five (5) days of any such change.

5. Respondent shall work under the supervision of another broker acceptable to the Board and shall arrange for quarterly reports from his real estate employer(s) reporting the terms and conditions of his employment and evaluating his work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. An employer shall report **immediately** to the Department Monitor any violation or suspected violation of the Real Estate Board's Final Decision and Order.

#### **Practice restrictions**

6. Until such time as approved by the Board, Respondent shall not show real estate or conduct other business with an unaccompanied female client or potential client without the presence of another staff person.

#### **Petition for Modification of restrictions**

7. Upon submission of the comprehensive report referred to in paragraph 1, above (together with submission of accepted documentation of successful completion of any program of treatment required pursuant to the terms of this Order), Respondent may petition the Board at any time to revise the practice restrictions referred to paragraph 6, above.

At any time following 2 years from the date of this Order, Respondent may petition the Board to revise or eliminate any of remaining limitations and conditions of this Order. The Board shall require that Respondent complete at least six (6) months of real estate practice successfully monitored under the conditions of this Order prior to removal of any remaining conditions or limitations. The Real Estate Board may in addition in its discretion require that Mr. Zipperer personally appear before the Board in conjunction with any petition under this paragraph to answer any questions the Board may have concerning his rehabilitation.

Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. sec. 227.01(3) and 227.42.

### Department monitor

8. 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 petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

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

### SUMMARY SUSPENSION

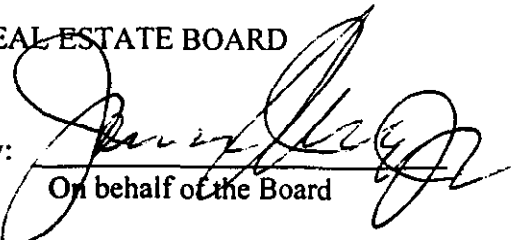
9. Violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative deny an extension of the stay of suspension or impose additional conditions and limitations other additional discipline for a violation of any of the terms of this Order.

### EFFECTIVE DATE OF ORDER

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

REAL ESTATE BOARD

By:

  
On behalf of the Board

  
Date

STATE OF WISCONSIN

CIRCUIT COURT BRANCH III

ROCK COUNTY

THE STATE OF WISCONSIN,

Plaintiff,

vs.

CRIMINAL COMPLAINT

Case #

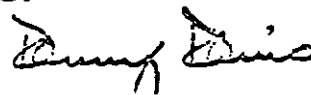
JOSEPH JAMES ZIPPERER

dob: 8/31/74

Defendant.

Danny E. Davis, being first duly sworn, on oath says (that he is informed and verily believes) that on the 24th day of November, 1996, at the City of Janesville, in said County, the defendant, JOSEPH JAMES ZIPPERER, did intentionally and unlawfully publicly and indecently expose his genitals or pubic area, contrary to Section 944.20(2) of the Wisconsin Statutes and subject to a penalty of a fine of not more than \$10,000 or imprisonment not longer than nine months, or both, and all against the peace and dignity of the State of Wisconsin and prays that the defendant be arrested and dealt with pursuant to and according to law.

The basis for affiant's allegation is that he is the Court Officer for the Janesville Police Department and, as such, has read the report(s) of Officer Olin of that Department which states that on November 24, 1996, Officer Olin was dispatched to the Quik Trip store located at 2518 W. Court Street, City of Janesville, Rock County, Wisconsin, to investigate the report of a disturbance. Upon arrival at the scene, Officer Olin interviewed the store clerk who stated that a white male subject had entered the store, who was later identified as Joseph Zipperer and that male subject then exposed his penis and began stroking his penis with his hand. The store clerk stated that another customer entered the store and Zipperer put his penis back in his pants. The store clerk asked Zipperer why he was masturbating and Zipperer stated that he was having a fantasy about the store clerk. When the customer left the store, Zipperer again exposed his penis and began stroking it. Zipperer was later chased from the store.



Complainant

Subscribed and sworn to before me  
this 16th day of December, 1996.

Exhibit A

Charles A. Calynacht

Ass't. D.A./Judge/Court Commissioner

Approved for filing

J. Mehay  
Ass't. D.A.

om/lf/comjjz

I find that probable cause (exists) ~~(does not exist)~~ that the crime was committed by the defendant and order that he be (held to answer thereto) ~~(released forthwith)~~.

Dated 12/16, 1996.

Charles A. Calynacht

Judge/Court Commissioner

1722 Quixote  
Janesville, WI

#### CERTIFICATION

I, ELDRED MIELKE, Clerk of Circuit Court, for Rock County, Wisconsin, do hereby certify this to be a true and correct copy as it appears from the records and files in my office.

IN WITNESS WHEREOF, I have hereunto set my hand & caused to be affixed the seal of said court.

DATE: October 8, 1997

Eldred Mielke

Eldred Mielke

BY: [Signature]

Deputy Clerk

STATE OF WISCONSIN

CIRCUIT COURT

ROCK COUNTY

x State of Wisconsin  
County of Rock  
City of Janesville  
Town of \_\_\_\_\_, Plaintiff

JUDGMENT AND NOTICE UPON  
FAILURE TO PAY A FINE OR  
FORFEITURE

-VS-

Case No. 96CM1901J

Joseph James Zipperer,  
Defendant

JUDGMENT

IT IS HEREBY ADJUDGED that the above-named defendant pay a fine/forfeiture to the office of the Clerk of Circuit Court, Circuit Court Branch 3, 2nd floor, East Wing, Rock County Courthouse, 51 South Main Street, Janesville, WI 53545 in the following amount, on or before 11:30 a.m. on the following date:

FINAL DATE FOR PAYMENT: 7 - 24, 19 97

AMOUNT OF FINE/FORFEITURE: \$ 449.00

NOTICE

TO THE ABOVE-NAMED DEFENDANT.

You have been given 60 days to have your fine/forfeiture paid in full. If you do not make payment in full by the above-referenced date, an order for your commitment to the Rock County Jail will be issued, and you will be imprisoned until the amount is paid in full except that the amount will be reduced by \$25.00 for each day you are incarcerated; OR an order will be issued to suspend your driver's license for up to 5 years or until the fine/forfeiture is paid in full, whichever comes first. You may pay your fine/forfeiture by cash, check or money order, except for Worthless Check violations for which only cash payment will be accepted. If your fine/forfeiture is not paid and a warrant is issued, a \$20.00 warrant fee will be assessed above and beyond the original amount due. Additionally, any payment returned for non-sufficient funds (NSF) will be assessed a \$15.00 service fee.

No extensions will be granted by the Court for further time to pay. However, if you need additional time to pay the fine/forfeiture, you may apply for a Deferred Payment Plan through the Court Collections Officer. Application for a Deferred Payment Plan can be made with the Court Collections Officer on the 3rd floor, South Wing, of the Janesville Courthouse on Tuesdays and Thursdays between 1:00 p.m. and 4:00 p.m. It is not necessary to schedule an appointment. You will need to fill out a Financial Disclosure Statement to prove that you have a genuine financial hardship. A Deferred Payment Plan must be applied for within 10 days of the date of this judgment. For additional information regarding the Deferred Payment Plan policy, call (608) 757-5735.

ONLY STATE AND COUNTY CASES ARE CONSIDERED FOR DEFERRED PAYMENT PLANS.

Dated: 5 - 19, 199 7

BY THE COURT:

**PAID**

[Signature]  
Circuit Judge/Court Commissioner

\_\_\_\_ Copy to defendant personally  
\_\_\_\_ Copy to attorney personally

ORIGINAL/WHITE COPY-COURT

YELLOW-COURT COLLECTIONS OFFICER

PINK-DEFENDANT



STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

---

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
JOSEPH J. ZIPPERER,	:	97 REB 215
RESPONDENT	:	

---

It is hereby stipulated between Joseph J. Zipperer, by his attorney and 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. Zipperer's licensure by the Division of Enforcement (97 REB 215). Mr. Zipperer consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Zipperer 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 Wisconsin Statutes and the Wisconsin Administrative Code.

3. Mr. Zipperer 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. Zipperer 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. Attached to this Stipulation is the current licensure card of Joseph J. Zipperer. If the Board accepts the Stipulation, Mr. Zipperer's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept this Stipulation, the


license of Mr. Zipperer shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

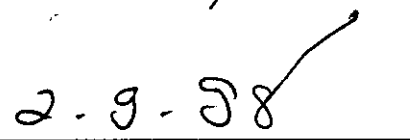
7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Real Estate Board assigned as an advisor in this investigation may appear before the Real Estate Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

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

  
\_\_\_\_\_  
Joseph J. Zipperer

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven M. Gloe, Attorney  
Division of Enforcement

  
\_\_\_\_\_  
Date

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

In the Matter of the Disciplinary Proceedings Against

Joseph J. Zipperer,

AFFIDAVIT OF MAILING

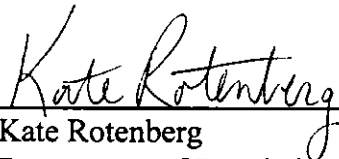
Respondent.

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 March 2, 1998, I served the Final Decision and Order dated February 26, 1998, LS9802262REB, upon the Respondent Joseph J. Zipperer by enclosing a true and accurate copy of the above-described document 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 221 158 795.
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:

Joseph J. Zipperer  
12 S. Pontiac  
Janesville WI 53545

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 2nd day of March, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: JOSEPH J ZIPPERER

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/2/98. 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