

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
 : 97 REB 125
 RANDALL C. COOK, :
 RESPONDENT :

LS9804231REB

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

Randall C. Cook
5131 West North Avenue
~~PO Box 1130~~
Milwaukee, WI ~~53201-1130~~ 53208

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. Randall C. Cook (D.O.B. 03/26/62) is duly licensed to practice as a Real Estate Salesperson in the state of Wisconsin (license #41309). This license was first granted on May 9, 1994.

2. Mr. Cook's most recent address known to the Department is 5131 West North Avenue, ~~PO Box 1130~~, Milwaukee, WI ~~53201-1130~~. 53208

3. On or about March 20, 1997, Mr. Cook was convicted of s. 940.30, Wis. Stats. (False Imprisonment). A true and correct copy of the criminal complaint and judgment of conviction in this matter is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.

4. On or about April 12, 1997, Mr. Cook was convicted of s. 946.49(1)(B), Wis. Stats. (Violation of Condition of Bail). A true and correct copy of the criminal complaint and judgment of conviction in this matter is attached to this document as Exhibit B. Exhibit B is incorporated by reference into this document.

5. Respondent failed to timely report to the Board the convictions referred to in ¶¶ 3 and 4 above, as required by Wis. Admin. Code sec. RL 24.17.

6. In resolution of this matter, Mr. Cook 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 conduct described above constitutes a basis for discipline under Wis. Stats. 452.14(3)(i), Stats. and Wisconsin Administrative Code §RL 24.17(1) and (2).

ORDER

A. NOW, THEREFORE, IT IS HEREBY ORDERED that Randall C. Cook is **REPRIMANDED**.

B. IT IS FURTHER ORDERED THAT the license of Randall C. Cook (license #41309) to practice as a Real Estate Salesperson in the State of Wisconsin shall be **LIMITED** as follows:

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

Disclosure

1. Respondent shall provide any current or prospective 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

- 2. 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. In addition, respondent shall submit documentation to the Department Monitor showing respondent's timely compliance with the terms and conditions of his conviction, including payment of all fines and restitution.
- 3. Respondent shall arrange for reports to be submitted every six (6) months 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.
- 4. Respondent shall comply with all terms of probation and/or parole imposed upon him, and make arrangements with his probation/parole officer to notify the Department Monitor **immediately** of any violation of probation/parole terms. Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to his probation and parole records.

Continuing education

- 5. Within six (6) months of the effective date of this Order Respondent shall submit documentation of successful completion of at least Sixteen (16) hours of continuing education or other training acceptable to the Board in the area of anger management. To be acceptable, the course or training shall be pre-approved by a member or designated agent of the Board. Acceptable documentation shall include certification from the sponsoring organization as well as a statement signed by Respondent verifying that he attended the course in its entirety.

Term of limitation

- 6. Upon submission of documentation of acceptable completion of his term of probation as well as the continuing education required in paragraph 5, above, Respondent shall be granted a full and unrestricted license.

Department monitor

- 7. 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

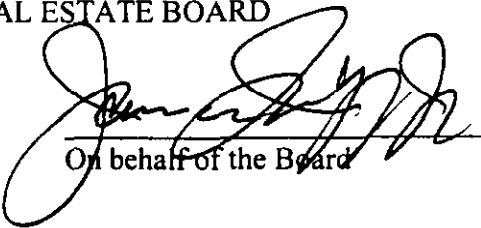
C. SUMMARY SUSPENSION

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.

D. EFFECTIVE DATE OF ORDER

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

REAL ESTATE BOARD

By:  4/23/98
On behalf of the Board Date

STATE OF WISCONSIN : CIRCUIT COURT : OZAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff

VS.

FELONY
CRIMINAL COMPLAINT

RANDALL C. COOK
455 N. 39th Street, Apt. 2
Milwaukee, Wisconsin 53208

Defendant.

DOB: 03/26/62 M/W

STATE OF WISCONSIN)
)
COUNTY OF OZAUKEE)

Sandy A. Williams, District Attorney in and for Ozaukee County, Wisconsin, upon information and belief, being first duly sworn on oath states:

COUNT ONE: BATTERY

That on or about November 21, 1995 in the City of Cedarburg, County of Ozaukee, State of Wisconsin, Randall C. Cook, did unlawfully cause bodily harm to a person, to-wit: Theresa Loper, by an act done with intent to cause bodily harm, without the consent of that person so harmed, contrary to Section 940.19(1) and against the peace and dignity of the State of Wisconsin, which carries possible penalties of a fine not to exceed \$10,000.00, imprisonment of nine months, or both such fine and imprisonment.

COUNT TWO: FALSE IMPRISONMENT

That on or about November 21, 1995 in the City of Cedarburg, County of Ozaukee, State of Wisconsin, Randall C. Cook did intentionally, unlawfully and feloniously restrained another without the person's consent and with the knowledge that he has no lawful authority to do so, ~~with the intent to cause bodily harm to the person~~, contrary to Section 940.30 of the Wisconsin Statutes and against the peace and dignity of the State of Wisconsin, a Class E Felony, which carries a possible penalty of a fine not to exceed \$10,000.00 and imprisonment not to exceed two years.

The basis for complainant's charge of such offense is upon information and belief, and upon a reading of the written police reports of Officer Buege of the Cedarburg Police Department, ^{WISN} who complainant believes to be reliable as his reports have ^{OZAUKEE COUNTY} proved to be reliable in the past. } SS

I certify that this is a true and correct copy of a document on file and of record in my office and has been compared by me
Sandra J. Detry 7/22/95
Clerk of Courts (Deputy) Date

Complainant alleges that Officer Buege on November 21, 1995, spoke with Theresa Loper, an adult private citizen and a victim of a crime, who stated that she and her friend, Randall Cook, had gotten into a verbal argument as they were travelling to the Kohl's Food store in Grafton. The argument continued as they entered the City of Cedarburg, at which time Mr. Cook was driving the vehicle and Ms. Loper was a passenger. Ms. Loper when the truck came to a stop, got out of the truck and began walking away, however, Mr. Cook went after her and got her down to the ground. However, she was able to escape from his grasp at which time he forced her into his vehicle against her will. Ms. Loper stated that she got out of the truck again but he, for a second time, forced her back into the truck without her will and had no authority to keep her in his truck. Mr. Cook then drove back to the apartment where an altercation continued. Mr. Cook during the time of the altercation did strike Ms. Loper and pulled her hair, both done without her consent and with those actions causing her pain.

Complainant further alleges that all of the above stated events occurred in the County of Ozaukee, State of Wisconsin.

Sandy A. Williams
COMPLAINANT

Subscribed and sworn to before me
and approved for filing on this
23 day of November, 1995.

[Signature]
ASSISTANT DISTRICT ATTORNEY

SAW

STATE OF WISCONSIN : CIRCUIT COURT : OZAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff

VS.

RANDALL C. COOK

OZAUKEE COUNTY, WISCONSIN
FILED

INFORMATION

95-CF-164

DOB: 03/26/62 M/W

JAN 2 1996
Dated

STATE OF WISCONSIN)
)
COUNTY OF OZAUKEE)

JOAN M. ZIRBES
CLERK OF COURTS

I, Sandy A. Williams, District Attorney in and for Ozaukee County, Wisconsin, upon information and belief, hereby informs the Court that:

COUNT ONE: BATTERY

That on or about November 21, 1995 in the City of Cedarburg, County of Ozaukee, State of Wisconsin, Randall C. Cook, did unlawfully cause bodily harm to a person, to-wit: Theresa Loper, by an act done with intent to cause bodily harm, without the consent of that person so harmed, contrary to Section 940.19(1) and against the peace and dignity of the State of Wisconsin.

COUNT TWO: FALSE IMPRISONMENT

That on or about November 21, 1995 in the City of Cedarburg, County of Ozaukee, State of Wisconsin, Randall C. Cook did intentionally, unlawfully and feloniously restrained another without the person's consent and with the knowledge that he has no lawful authority to do so, ~~while possessing a dangerous weapon~~, contrary to Section 940.30 of the Wisconsin Statutes and against the peace and dignity of the State of Wisconsin. a Class E felony

Dated this 2 day of January, 1996.

Sandy A. Williams

Sandy A. Williams
District Attorney
State Bar No. 1010553

STATE OF WISCONSIN : CIRCUIT COURT : OZAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff

VS.

FELONY
CRIMINAL COMPLAINT

RANDALL C. COOK
455 N. 39th Street
Milwaukee, WI 53208

95-CF-17

Defendant.

JAN 23 1996

DOB: 03/26/62 M/W

STATE OF WISCONSIN)
)
COUNTY OF OZAUKEE)

of the Cedarburg Police
Department, upon information and belief, being first duly sworn
on oath states:

COUNT ONE: FELONY BAIL JUMPING

That on or about January 22, 1996 in the City of Cedarburg,
County of Ozaukee, State of Wisconsin, Randall C. Cook, having
been released from custody under Chapter 969 after having been
charged with a felony, did intentionally, unlawfully and
feloniously fail to comply with the terms of his bond, contrary
to Section 946.49(1)(b) of the Wisconsin Statutes and against
the peace and dignity of the State of Wisconsin, which carries
maximum penalties of a fine not to exceed \$10,000.00,
imprisonment not to exceed five years, or both such fine and
imprisonment. a Class D felony.

COUNT TWO: VIOLATION OF DOMESTIC ABUSE INJUNCTION

That on or about January 22, 1996 in the City of Cedarburg,
County of Ozaukee, State of Wisconsin, Randall C. Cook did
unlawfully and knowingly violate a Domestic Abuse Injunction,
contrary to Section 813.12(8) of the Wisconsin Statutes and
against the peace and dignity of the State of Wisconsin, which
carries penalties of a fine not to exceed \$1,000.00,
imprisonment not to exceed 9 months or both such fine and
imprisonment.

The basis for complainants charge of such offense is upon
information and belief, and upon a reading of the written police
reports of Officer Van Dinter of the Cedarburg Police
Department, whom complainant believes to be reliable and whose
reports have proved to be reliable in the past.

STATE OF WISCONSIN }
OZAUKEE COUNTY }
I certify that this is a true and correct copy
of a document on file and of record in my
office and has been compared by me
Berkman, D. J. 1/22/96
Clerk of Courts (Deputy) Date

Complainant alleges that on January 22, 1996 at approximately 10:22 a.m., Officer Van Dinter was dispatched to the area of W61 N672 Mequon Avenue in the City of Cedarburg, Ozaukee County, State of Wisconsin. Officer Van Dinter was informed that an individual was violating a restraining order at that residence. The individual was identified as the defendant Randall Cook. While on his way to that residence, Officer Van Dinter was informed that the defendant had left the area in his vehicle. Officer Van Dinter subsequently saw the defendant in a parking lot at another location and the defendant then approached Officer Van Dinter and spoke with him. The defendant told Officer Van Dinter that he did not want to get in trouble and began to explain to Officer Van Dinter that Theresa Loper had been constantly calling him on the telephone. He stated that he had gone over to her residence on Mequon Avenue to deliver a note which he had placed in the mailbox. He also stated that he became aware that the neighbors had seen him and had contacted the police department. The neighbor, Elke Hoffmann subsequently gave a written statement to the Cedarburg Police Department stating that Randy Cook was seen on that date leaving Theresa Loper's back door.

Complainant further alleges that the defendant is currently charged with the misdemeanor charge of battery and felony charge of false imprisonment in case number 95-CF-164 in the Ozaukee County Circuit Court. As conditions of his bail in that case, the defendant was ordered to not have any contact with Theresa Loper or her residence which is the residence located at W61 N674 Mequon Avenue in the City of Cedarburg.

Complainant further alleges that on December 5, 1995, an injunction was issued by the Honorable Tom R. Wolfgram in case number 95-CV-424 in the Ozaukee County Circuit Court. That injunction ordered that the defendant avoid Theresa Loper's residence and/or any premises temporarily occupied by her at that time or in the future. That injunction is in effect until December 4, 1997.

Complainant further alleges that all of the above stated events occurred in the County of Ozaukee, State of Wisconsin.


COMPLAINANT

Subscribed and sworn to before me
and approved for filing on this
23rd day of January, 1996.


ASSISTANT DISTRICT ATTORNEY

JAS

STATE OF WISCONSIN : CIRCUIT COURT : OZAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff

VS.

INFORMATION
96-CF-17

RANDALL C. COOK

JAN 31 1996
Defendant.

DOB: 03/26/62 M/W

STATE OF WISCONSIN)
)
COUNTY OF OZAUKEE)

I, Jeffrey A. Sisley, Assistant District Attorney in and for Ozaukee County, Wisconsin, hereby inform the Court that:

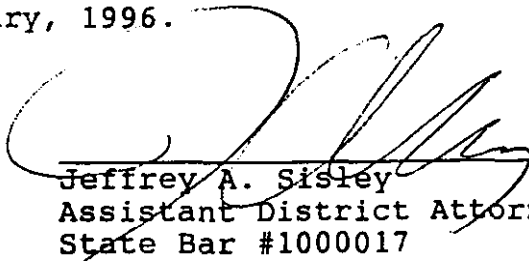
COUNT ONE: FELONY BAIL JUMPING

That on or about January 22, 1996 in the City of Cedarburg, County of Ozaukee, State of Wisconsin, Randall C. Cook, having been released from custody under Chapter 969 after having been charged with a felony, did intentionally, unlawfully and feloniously fail to comply with the terms of his bond, contrary to Section 946.49(1)(b) of the Wisconsin Statutes and against the peace and dignity of the State of Wisconsin.

COUNT TWO: VIOLATION OF DOMESTIC ABUSE INJUNCTION

That on or about January 22, 1996 in the City of Cedarburg, County of Ozaukee, State of Wisconsin, Randall C. Cook did unlawfully and knowingly violate a Domestic Abuse Injunction, contrary to Section 813.12(8) of the Wisconsin Statutes and against the peace and dignity of the State of Wisconsin.

Dated this 30th day of January, 1996.


Jeffrey A. Sisley
Assistant District Attorney
State Bar #1000017

STATE OF WISCONSIN

CIRCUIT COURT

OZAUKEE COUNTY

STATE OF WISCONSIN

-VS-

RANDALL C COOK

JUDGMENT OF
ACQUITTAL/DISMISSAL

Case No. 96CF00017

The court found the defendant not guilty of the following offense(s):

<u>Count</u>	<u>Offense(s) Charged</u>	<u>Statute Number</u>	<u>Disposition</u>
002	VIOL DOMESTIC ABUSE INJUNCTION	813.12(8)	DISMISSED - PROSECUTOR

IT IS ADJUDGED THAT the defendant is not guilty.

IT IS ORDERED THAT the defendant is discharged and any bond posted be returned.

BY THE COURT:



Circuit Judge

TOM R WOLFGRAM

Name Typed

4/12/97

Date

Sec. 972.13(6), Wisconsin Statutes

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
RANDALL C. COOK,	:	97 REB 125
RESPONDENT	:	


It is hereby stipulated between Randall C. Cook, 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. Cook's licensure by the Division of Enforcement (97 REB 125). Mr. Cook consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Cook 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. Cook 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. Cook 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 certificate and current licensure card of Randall C. Cook. If the Board accepts the Stipulation, Mr. Cook'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 credentials of Mr. Cook shall be returned to him with a notice of the Board's decision not to accept the Stipulation.

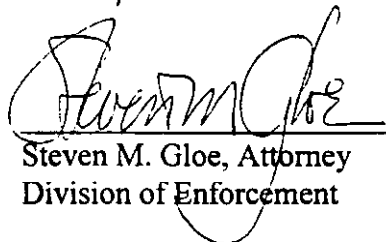
7. The parties to this stipulation agree that member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final decision maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with him or his deliberations on the stipulation.

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



Randall C. Cook

3-24-98
Date



Steven M. Gloe, Attorney
Division of Enforcement

3-26-98
Date

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

In the Matter of the Disciplinary Proceedings Against

Randall C. Cook,

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 April 27, 1998, I served the Final Decision and Order dated April 23, 1998, LS9804231REB, upon the Respondent Randall C. Cook 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 221 159 452.

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:

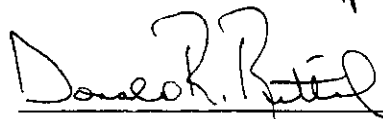
Randall C. Cook
5131 W. North Avenue
Milwaukee WI 53208



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 27th day of April, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: RANDALL C COOK

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 4/27/98. 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