

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**

**BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF THE DISCIPLINARY**

**PROCEEDINGS AGAINST :**

**JAMES H. BOBECK,**

**RESPONDENT**

**FINAL DECISION AND ORDER**

**LS 0009181 REB and LS 0003281 REB**

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

James H. Bobeck

4230 East Towne Blvd. #30

Madison, WI 53704

Alternate address:

5301 Lighthouse Bay Dr.

Madison, WI 53704

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. James H. Bobeck, ("Bobeck"), date of birth January 6, 1956, is a licensed as a real estate broker in the state of Wisconsin having license number 90-24723, which was granted on January 5, 1981
2. The last address filed by Bobeck with the Department of Regulation and Licensing is 4230 East Towne Blvd. #30, Madison, Wisconsin 53704. Bobeck resides at 5301 Lighthouse Bay Drive, Madison, Wisconsin 53704.
3. Formal disciplinary cases **LS 0009181 REB and LS 0003281 REB** involve criminal convictions of Bobeck relating to theft and battery as a habitual criminal.

4. These cases are set for hearing before Administrative Law Judge Austin on February 7, 2001.

5. Bobeck has offered to resolve these pending cases by the **Voluntary Surrender** of his real estate license pursuant to the terms of the Order set forth below.

### CONCLUSIONS OF LAW

6. Respondent **James H. Bobeck** has violated:

a) Section RL 24.17(1) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes, by failing to report to the Department of Regulation and Licensing the criminal convictions detailed in the formal complaints filed in these matters within 30 days of the convictions.

b) Section RL 24.17(2) of the Wisconsin Administrative Code and Section 452.14(3)(i) of the Wisconsin Statutes, by having been convicted of crimes of theft and battery, the circumstances of which substantially relate to the practice of real estate.

### ORDER

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

IT IS FURTHER ORDERED, that the **Voluntary Surrender** of the Real Estate Broker's license of Respondent James H. Bobeck, license number 90-24723, is accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent James H. Bobeck pursuant to real estate broker license #90-24723 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 James H. Bobeck 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 or license application by Bobeck 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 Division of Enforcement files 00 REB 214 and 99 REB 313 be, and hereby are, closed.

### WISCONSIN REAL ESTATE BOARD

By: James Imhoff, Jr.

1-25-01

A Member of the Board

Date

### STATE OF WISCONSIN

### BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

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The parties in this matter have agreed to the terms and conditions of the attached Stipulation and Final Decision and Order with the following exceptions; which exceptions, herein known as Amendment One to Final Decision and Order, shall be as follows:

1. Final Decision and Order, Paragraph 3, of "Findings and Fact": The words "and battery" should come after the word "criminal" and remove word "habitual".
2. Final Decision and Order, Paragraph 6.b., of "Conclusions of Law": Add the word "retail" in front of the word "theft".
3. Final Decision and Order, Paragraph 3, of "Order": Delete the word "forever".
4. Final Decision and Order, Paragraph 4, of "Order": Insert the words "within five years from the date of this Order" after the word "future" in sentence one.
5. Final Decision and Order, Paragraph 5, of "Order": Add "It is further Ordered that respondent James H. Bobeck may reapply for a Real Estate Broker License after five years from the date of this Order, and this Order and matters relating to this Order shall not prejudice respondent from obtaining such a license provided that: 1) Respondent has not been arrested or convicted for any further criminal matter; and 2) Respondent agrees to practice real estate under the supervision of a Wisconsin licensed real estate broker acceptable to the Board under further terms and conditions as required by the Board.

WISCONSIN REAL ESTATE BOARD

By: James Imhoff, Jr.

Dated: 1-25-01

By: James H. Bobeck

Dated: 1-24-01