

# 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:**

**RAYMOND D. VAN KIRK,**

**Respondent**

**FINAL DECISION AND ORDER**

**LS0101256REB**

Division of Enforcement Case No. 99 REB 138

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

Raymond D. Van Kirk

1455 Townline Road

Tomah, WI 54660

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. Raymond D. Van Kirk (D.O.B. 07/21/48) is duly licensed to practice as a Real Estate Broker in the state of Wisconsin (license #49346). This license was first granted on April 7, 1998.
2. Mr. Van Kirk's most recent address known to the Department is 1455 Townline Road, Tomah, WI 54660.
3. On or about June 28, 1999, Mr. Van Kirk was convicted of s. 943.20(1)(b), Wis. Stats. (Theft in a Business Setting). 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. In resolution of this matter, Mr. Van Kirk 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. 440.20, 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) & (2).

### **ORDER**

**A. NOW, THEREFORE, IT IS HEREBY ORDERED** that the Real Estate Broker's license of Raymond D. Van Kirk (# 49346) is **SUSPENDED** for **ONE (1) YEAR**, provided that said suspension shall be **STAYED** upon the effective date of this Order and remain stayed, in its entirety, as long as the respondent fulfills the conditions of this Order. In the event that the respondent violates any provisions of this Order, the suspension may be reinstated in part or whole as the Real Estate Board determines appropriate.

**B. IT IS FURTHER ORDERED THAT** the license of Raymond D. Van Kirk (#49346) to practice as a Real Estate Broker 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 real estate agency 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 (if it involves real estate sales), change of residence address or phone number, within fifteen (15) 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 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.

4. Respondent shall arrange for quarterly reports from his real estate employer(s) reporting the terms and conditions of his employment and evaluating his work performance for at least a two (2) year period following the effective date of this Order. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement. The Respondent's 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**

5. Until such time as approved by the Board, Respondent shall practice only in settings where he works under supervision by another real estate broker acceptable to the Board.

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

6. At any time following two (2) years from the effective date of this Order, Respondent may petition the Board to revise or eliminate any of the above conditions. The Real Estate Board may in its discretion require that Mr. Van Kirk personally appear before the Board in conjunction with a 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**

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. 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) 261-7938

**Continuing Education**

8. The Respondent shall take twelve (12) credit hours of continuing education, with at least three(3) credit hours in ethics and three (3) credit hours in contracts. The education requirements must be completed within six (6) months from the date of this Order.

**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 impose additional conditions and limitations or 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: James Imhoff, Jr.

1-25-01

On behalf of the Board

Date