

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

STATE OF WISCONSIN

BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

DANIEL J. NAVIN,

RESPONDENT

FINAL DECISION AND ORDER

LS0106281REB

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

Daniel J. Navin

906 62nd Street

Kenosha, WI 53143

Wisconsin Real Estate Board

P.O. Box 8935

Madison, WI 53708-8935

Wisconsin 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 disposition of this matter, subject to the approval of the Real Estate Board ("Board"). The Board has reviewed the stipulation and considers it acceptable.

Accordingly, the Board adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. **DANIEL J. NAVIN** ("Navin"), is and was at all times relevant to the facts set forth herein, a real estate broker licensed to practice in the State of Wisconsin pursuant to license #90-49792, originally granted to him on March 31, 1999. The last address on record for Navin at the Department of Regulation and Licensing is 906 62nd Street, Kenosha, WI 53143. Navin was previously licensed as a real estate salesperson from April 10, 1998 to March 31, 1999.
2. Navin is and has been employed as a real estate broker with Sparks White Investments LLC, 6100 75th Street, Kenosha, WI 53142, since November 2, 2000. Immediately prior to his current employment, Navin was employed as a real estate salesperson and broker, with Property Partners Realty, Inc., (PPRI), for the time period of September 1, 1998 through November 2, 2000.
3. On or about May 9, 2000, the United States Department of Housing and Urban Development (HUD) issued to Navin a letter of "limited denial of participation" (LDP), a copy of which is attached hereto as **Exhibit A**, and incorporated herein by this reference.
4. This LDP is based upon Navin having engaged in irregularities in performance in a HUD program and his having made false certification in connection with a HUD program, all as stated in the attached **Exhibit A**. This activity occurred while Navin was employed by PPRI.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, 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. Respondent **DANIEL J. NAVIN**, real estate broker license

90 49792, has violated the following:

- a. Section 452.14(3)(i) of the Wisconsin Statutes by demonstrating incompetency to act as a salesperson in a manner which safeguards the interests of the public; and
- b. Sections 452.14(3)(k) of the Wisconsin Statutes by engaging in conduct which constitutes improper, fraudulent or dishonest dealings.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **DANIEL J. NAVIN** pay a **FORFEITURE** in this matter in the amount of \$1,000.00 within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **DANIEL J. NAVIN** fails to pay the \$1,000.00 **FORFEITURE** within the time and in the manner as set forth above, then his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture has been paid to the Department of Regulation and Licensing and his failure to pay the forfeiture shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **DANIEL J. NAVIN**, within six months of the date of this Order, successfully complete the 36 hour pre-licensing course for real estate brokers as set forth in Chapter RL 25 of the Wisconsin Administrative Code, and submit proof of the same to the Department monitor in the form of verification from the institution providing the education.

None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent **DANIEL J. NAVIN** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to Respondent **DANIEL J. NAVIN**, his real estate license shall be suspended without further hearing and without further Order of the Board and said suspension shall continue until further Order of the Board.

IT IS FURTHER ORDERED, that the real estate license of Respondent **DANIEL J. NAVIN** is **LIMITED** for a period of twelve months, commencing 5 days from the date of this Order, as follows:

SUPERVISION OF REAL ESTATE PRACTICE

a) Respondent shall continue successful participation in all components of a supervision program established with his current employer Sparks White Investments LLC, 6100 75th Street, Kenosha, WI 53142.

Respondent shall commence involvement in the supervision program within 5 days of the date of the Final Decision and Order of the Board.

Supervision Program. The supervision program shall include, and respondent shall participate in, individual consultation meetings on at least a weekly basis with either Lauren Sparks or Sandra White, the principals of Sparks White Investments LLC. These meetings shall continue on at least a weekly basis, without interruption, during the period of limitation.

Either Lauren Sparks or Sandra White shall personally conduct the supervision consultation. This requirement for consultation sessions may be modified only upon written petition to the Real Estate Board supported by a written recommendation by both of the supervising brokers expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under §§ 227.01(3) or 227.42, Wis. Stats., or ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

During each supervision consultation respondent shall provide to the supervising broker the original, full and complete copy of each document related to the listing, rental, purchase, sale, trade or other transfer of an interest in real estate or business assets, either drafted by respondent or received by respondent, during the immediate period of time predating the meeting and commencing with the most recent supervision consultation meeting. During the consultation meeting, the supervising broker shall closely examine each document drafted by respondent to determine if it complies with the Wisconsin Statutes and Administrative Rules and the commonly accepted legal principles of contract drafting in Wisconsin. The supervising broker shall make diligent inquiry of respondent as to the intended purpose of each document to determine the real estate practice context within which the document is intended to be used. The supervising broker shall note on each document all comments, corrections and changes to the documents recommended by her. The respondent shall immediately make changes and corrections to the documents as suggested by the supervising broker. In addition, where documents need to be resigned by a party to a transaction, respondent shall immediately present the corrected document(s) to the necessary parties for signing. All documents prepared by Respondent shall be approved by the supervising broker prior to the submission of the document to any party for review or signature. The supervising broker shall note her approval of a document by initialing the document and placing the date of her approval next to her initials.

In respect to real estate documents drafted by others and received by Respondent in his real estate practice, the supervising broker shall closely examine each document and make diligent inquiry of respondent as to the context within which the document is intended to be used. The supervising broker shall make comments and recommendations to Respondent as to whether Respondent should draft any responding or related documents, such as counter-offers, amendments, disclosures or notices. The additional documents to be drafted by Respondent shall be carefully reviewed by the supervising broker who made the recommendations prior to submission of the document to any party.

The supervising broker shall make a written, signed and dated report to the Real Estate Board on a once a month basis commencing 30 days after the date this Limitation went into effect. These reports shall continue for a period of twelve months (12 reports). Each report shall include a statement assessing the cooperation of respondent with the supervision program stated above and shall state specifically how often each consultation session took place. The report shall include a compilation stating each date of consultation and the amount of time each consultation consisted of.

In addition, each report shall have attached to it a legible copy of each document reviewed by the supervising broker showing each comment, correction, approval or recommendation made by the supervising broker to the respondent during the period of time the report covers.

b) Respondent shall not apply for licensure as a real estate salesperson nor change employers during the twelve-month period of Limitation set forth above.

Required Reporting by Supervising Brokers

In addition to the twelve monthly reports identified above, the supervising brokers shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement by FAX or telephonic communication: any failure of Respondent to cooperate with the supervision consultations.

Required reporting by Respondent

Respondent is responsible for compliance with all of the terms and conditions of this Final Decision and Order. It is the responsibility of Respondent to promptly notify the Department Monitor, of any suspected violations of any of the terms and conditions of this Order, including any failures of the supervising brokers to conform to the terms and conditions of this Order.

Releases

Respondent shall provide and keep on file with the supervising brokers current releases which comply with state and federal laws authorizing release of all consultation records and reports to, and permitting the supervising brokers to disclose and discuss the progress of respondent's supervision and rehabilitation with the Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Board. Copies of these releases shall be filed simultaneously with the Department Monitor.

PETITIONS FOR MODIFICATION OF TERMS

Respondent may petition the Board for modification of the terms of this limited license. Any such petition shall be accompanied by a written recommendation from both of respondent's supervising brokers expressly supporting the specific modifications sought. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats., and Respondent shall not have a right to any further hearings or proceedings on any denial in whole or in part of the petition for modification of the limited license.

EXPENSES OF SUPERVISION AND MONITORING

Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring and supervision and any other expenses associated with compliance with the terms of this Order.

CHANGE IN ADDRESS OR WORK STATUS

Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change. Respondent may not change employer, as that term is defined in chapter 452 of the Wisconsin Statutes, without written permission of the Real Estate Board.

DEPARTMENT MONITOR

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

VIOLATION OF 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 discipline.

IT IS FURTHER ORDERED, that Respondent **DANIEL J. NAVIN** pay **PARTIAL COSTS** of this matter in the amount of \$300.00 within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **DANIEL J. NAVIN** fails to pay the \$300.00 partial costs within the time and in the manner as set forth above, then his real estate license shall be suspended without further hearing and without further Order of the Board and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing. His failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 00 REB 147 be, and hereby is, closed as to DANIEL J. NAVIN.

Dated this 28th day of June, 2001.

WISCONSIN REAL ESTATE BOARD

James Imhoff, Jr.

A member of the Board