

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
DENNIS G. RASMUSSEN, : LS0302101REB
RESPONDENT :

Division of Enforcement Case File No. 01 REB 218

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

Dennis G. Rasmussen
N2001 Anklam Road
Weyauwega, WI 54983

Real Estate Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO 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. Dennis G. Rasmussen (D.O.B. June 19, 1957) is duly licensed to practice as a Real Estate Broker in the state of Wisconsin (license #47554). This license was first granted on July 26, 1994. Mr. Rasmussen's license expired on January 1, 2003. Mr. Rasmussen has the right to renew his license upon payment of a late fee

and the renewal credential fee pursuant to section 440.08(3), Wis. Stats. Mr. Rasmussen has not of this date submitted any renewal fees and late fees for his Real Estate Broker's license.

2. Mr. Rasmussen's most recent address known to the Department is N2001 Anklam Road, Weyauwega, WI 54983.

3. On or about January 8, 2001, Mr. Rasmussen was convicted of three counts of Misdemeanor Party to Theft in Outagamie County, Wisconsin Circuit Court. A true and correct copy of the Criminal Complaint, Amended Criminal Complaint and Judgment of Conviction and Sentence in this matter is attached to this document as Exhibit A and is incorporated by reference herein.

4. At no time did Mr. Rasmussen inform the Department of Regulation and Licensing in writing of the January 8, 2001, convictions. Nor did Mr. Rasmussen provide a copy of the January 8, 2001, Judgment of Conviction and Sentence to the Department of Regulation and Licensing within thirty (30) days after the judgment was entered.

5. In resolution of this matter, Mr. Rasmussen 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. 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. By the conduct described above, Mr. Rasmussen violated sec. 452.14(3)(k) Wis. Stats., and Wisconsin Administrative Code § §RL 24.17 (1) and (2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that license of Dennis G. Rasmussen (license #47554) to practice as a Real Estate Broker in the State of Wisconsin shall be SUSPENDED for a period of one (1) year provided beginning at 11:59 p.m. of the effective date of this Order.

IT IS FURTHER ORDERED THAT the suspension of Respondent's license shall be STAYED, on a renewable consecutive quarterly basis, contingent upon the Respondent fulfilling the provisions of this Order. In the event that the Respondent violates any provisions of this Order, the suspension may be reinstated in part or in whole as the Real Estate Board upon good cause shown.

IT IS FURTHER ORDERED THAT the license of Dennis G. Rasmussen (license #47554) to practice as a Real Estate Broker in the State of Wisconsin shall be LIMITED as follows:

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

- A) Respondent shall practice for a period of one (1) year under the direct supervision of another Real Estate Broker, who is pre-approved and acceptable to the Board; and
- B) Respondent shall refrain from exercising any control or possession of client trust funds or other real estate funds, and shall refrain from any work as a general contractor, builder or developer that is not directly supervised by his broker;
- C) The plan of supervision must be acceptable to the Board.

Disclosure

- D) 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

- E) Respondent shall report to the Board any change in employment status, change of residence address or phone number, within fifteen (15) days of any such change.
- F) Respondent shall arrange for quarterly reports during the period of his stayed suspension from his supervising broker reporting on the terms and conditions of his employment and evaluating his work performance. The supervising broker's report must include a brief description of the real estate sales transactions handled by Respondent during the quarter, including but not limited to, verification that all client trust funds have been deposited into the broker's trust account in a timely manner, and that all rules and regulations governing the practice of real estate have been followed. 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.

Petition for Modification of Limitation

- G) Not less than six (6) months from the effective date of this Order, the Respondent may file a petition for early release of the limitations upon his license, provided that he shows satisfactory compliance with all terms of the Order, including the payment of all forfeiture and costs. Respondent shall personally appear before the Board in conjunction with a petition under this paragraph to answer any questions the Board may have concerning his compliance with the Order and his rehabilitation. Denial in whole or in part of a petition under this paragraph shall not be made unless good cause is shown. The denial of a petition or license hereunder shall not give rise to a contested case within the meaning of Wis. Stats. sec. 227.01(3) and 227.42.

Department Monitor

- H) 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 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

- I) Respondent is further required to take the course module, Business Ethics, from the approved Real Estate Broker's Pre-License Program within six (6) months after the renewal of his limited license. Respondent must also pay a forfeiture of \$500.00 and partial costs of \$400.00, prior to the removal of the limitations upon his license, but no later than twelve months from the effective date of this Order.

Summary Suspension

- J) 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.

Effective Date of Order

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

REAL ESTATE BOARD

By: Richard Kollmansberger

4-24-03

On behalf of the Board

Date