

# 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** :  
 : **FINAL DECISION AND ORDER**  
**ROBERT C. WEICH II d/b/a/** : **LS0405277REB**  
**ROBERT C. WEICH II REALTY,** :  
**RESPONDENT.** :

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

Robert C. Weich II d/b/a Robert C. Weich II Realty  
PO Box 285  
Thiensville, WI 53092

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 disposition 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. Robert C. Weich II ("Weich"), date of birth 09-18-53, is licensed in the State of Wisconsin as a real estate broker having license #90-12569, and is doing business as Robert C. Weich II Realty. This license was first granted to him on 10-05-76.
2. Weich's last reported address on file with the Department of Regulation and Licensing is PO Box 285, Thiensville, WI 53092.
3. From approximately 1995 to 1996, Weich worked for Evergreen Homes on a commission basis.
4. On August 2, 1996, Weich drafted an Offer to Purchase for a home at 3331 W. Picardy Court, Mequon, WI for himself and his wife as buyers.
5. In the Offer, Weich listed himself as the agent of the buyer, and drafted additional provisions which provided that "Seller and Listing Broker acknowledge Evergreen Homes as the Selling Broker and agree to pay a selling commission of 2.4% of sale price. Buyer, Robert C. Weich II, is a Wisconsin licensed real estate broker."
6. The Offer was accepted and the transaction closed. At closing, Weich endorsed the commission check for Evergreen Homes in the amount of \$5747.60 and made the check payable to the Kent Jones Trust Account, which was the closing entity for the sale. Weich had represented to the lender's closing agent that Weich was "one in the same" and that he had the authority to endorse the commission check.
7. In January 1997, Tom Zimmerman, responsible broker for Evergreen Homes, received a tax form 1099 which

showed the commission paid in the aforementioned transaction and which was Evergreen Homes' first notice of said transaction.

8. At no time did Weich receive agreement from Evergreen Homes to be made a party to the transaction, nor did Weich have the authorization to endorse a commission check made payable to Evergreen Homes.

9. Weich neither admits nor denies these allegations, but has agreed to the adoption of this Final Decision and Order in order to resolve this matter and the pending investigation by the Division of Enforcement.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to §452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

3. Respondent Robert C. Weich II has violated:

a. §452.14(3)(h), Wis. Stats., by failing to remit the moneys which came into his possession, which belonged to Evergreen Homes;

b. §452.14(3)(k), Wis. Stats., by conducting himself in a improper, fraudulent or dishonest manner; and

c. §452.133(3)(b), Wis. Stats., and §§RL 24.05(2) and (4), Wis. Adm. Code by acting on behalf of his employing broker, Evergreen Homes, without the written consent of Evergreen Homes;

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Weich's real estate broker's license is hereby REPRIMANDED for the above conduct.

2. That Weich must successfully complete the educational requirements from the Business Ethics pre-licensing real estate broker's course pursuant to §RL 25.02(2)(g), Wis. Adm. Code at an educational institution approved by the Department of Regulation and Licensing, within six (6) months of the date of this Order. Upon successful completion, Weich shall 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.

3. Weich shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$2000.

4. Weich shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing a forfeiture in the amount of \$500.

5. All petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

**Department Monitor**  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264

6. Violation of any term or condition of this Order may constitute grounds for revocation of Weich's license to practice as a real estate broker in Wisconsin. Should the Board determine that there is probable cause to believe that Weich has violated the terms of this Order, the Board may order that Weich's license be summarily suspended pending investigation of and hearing on the alleged violation.

7. File 00REB121 is hereby closed.

Dated this 27<sup>th</sup> day of May, 2004.

**WISCONSIN REAL ESTATE BOARD**

Richard Kollmansberger  
A Member of the Board