

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	:	
	:	
NATHAN J. ZIEGEL AND	:	FINAL DECISION AND ORDER
BADGER AREA DEVELOPMENT,	:	
RESPONDENTS.	:	LS04120210REB

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

Nathan J. Ziegel
P.O. Box 693
1314 Lake Shore Drive West
Ashland, WI 54806

Badger Area Development
P.O. Box 693
1314 Lake Shore Drive West
Ashland, WI 54806

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 these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Nathan J. Ziegel (“Ziegel”), whose date of birth is January 14, 1960, whose last known address of record with the Department of Regulation and Licensing (“Department”) is RR 1, P.O. Box 244, Iron River, Wisconsin, 53094, and the last address that Ziegel provided in this case is P.O. Box 693, 1314 Lake Shore Drive West, Ashland, WI 54806, holds a license as a Real Estate Broker (#90-49548). Ziegel was granted the license on October 7, 1998, pursuant to Wis. Stat. ch. 452, and has held it at all times material to this complaint. The license is current through December 31, 2004.

2. Respondent Badger Area Development (“Badger”), whose last known address of record with the Department is P.O. Box 693, Ashland, WI, 54806, holds a real estate business entity license (91-835503). Badger was granted the license on May 29, 2002, pursuant to Wis. Stat. ch. 452, and has held it at all times material to this complaint. The license is current through December 31, 2004. At all times material to this complaint information on file with the Department indicates that Badger was, and is, doing business as “SDG Real Estate.” At all times material to this complaint Ziegel was the president of Badger.

3. Superior Development Group (“SDG”), whose last known address of record with the Department is P.O. Box 693, Ashland, WI, 54806, held a real estate business entity license (91-835389). SDG was granted the license on

January 2, 2001, pursuant to Wis. Stat. ch. 452. The license expired on December 31, 2002. At all times material to this complaint Ziegel was the president of SDG.

4. Beginning on August 31, 2004, and continuing through September 3, 2004, the Department conducted an audit of Badger's/SDG's IBRETA trust account and business account. Ziegel agrees that the audit produced evidence of the following violations, among others, during the period of July 31, 2001 to August 24, 2004:

- a. Several occurrences of commingling of non-trust funds with trust funds in violation of Wis. Admin. Code § RL 18.10.
- b. Several occurrences of improper disbursement of funds from trust account in violation of Wis. Admin. Code § RL 18.09.
- c. Several occurrences of earnest money deposits/disbursements without corresponding earnest money withdrawals/deposits in violation of Wis. Admin. Code § RL 18.13(1).
- d. Several occurrences of checks disbursed out of sequence in violation of Wis. Admin. Code § RL 18.13(1).
- e. Several incidents of debits and credits shown on transaction report, which did not actually occur per the bank statement, in violation of Wis. Admin. Code §§ RL 18.031 and 18.09.
- f. Several checks on transaction report have different amount recorded than paid on bank statement in violation of Wis. Admin. Code § RL 18.13(1).
- g. One or more occurrences of the wrong date of issuance of check being recorded on a transaction report in violation of Wis. Admin. Code § RL 18.13(1).

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stats. § 452.14.
2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44(5).
3. Respondents Nathan J. Ziegel and Badger Area Development, by their conduct as described in paragraph 4 above, did commit fifteen (15) or more violations of Wis. Admin. Code ch. RL 18.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of NATHAN J. ZIEGEL to practice as a Real Estate Broker in the State of Wisconsin is hereby LIMITED; during the period of limitation Mr. Ziegel may perform only those duties that may be undertaken by a person with a REAL ESTATE SALESPERSON'S LICENSE; the period of limitation shall begin on January 1, 2005; the period of limitation shall not end prior to January 1, 2008; the limitation may only be removed by an Order of the Board, which shall not occur unless the following conditions are met:

- a. Mr. Ziegel must request, in writing, that the limitation be removed at the next scheduled meeting of the Board;
- b. Mr. Ziegel must successfully complete all requirements for the issuance of a new broker's license that are in effect as of the date of the next regularly scheduled meeting of the Board;

- c. Mr. Ziegel shall work under the supervision of a licensed broker, who must be approved by the Board Advisor assigned to the case prior to the performance of any supervision of Mr. Ziegel; the initial supervising broker approved by the Board is Kenneth Wheeler (#90-34542);
- d. Until the limitation is removed by an order of the Board, Mr. Ziegel may not refer to himself as a licensed broker, advertise as a licensed broker, or display his broker license in any place where it might reasonable be expected to be viewed by any current or potential customer or member of the general public.

2. The license of BADGER AREA DEVELOPMENT to practice as a Real Estate Business Entity in the State of Wisconsin is hereby REPRIMANDED.

3. Respondents shall, within one hundred and twenty (120) days of the date of this Order, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$1500.00, pursuant to Wis. Stats. § 440.22(2).

4. All payments, requests for approval of continuing education, evidence of completion of the education required by this Order, and request for removal of the limitation 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
Telephone: (608) 267-3817

5. This Order shall be effective on the date of its signing.

Richard Kollmansberger
A Member of the Board

12-2-2004
Date