

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
BONCLER INC. D/B/A :
BONCLER REALTY, AND :
CHESTER A. BONCLER JR., :
RESPONDENT. : LS0506231REB

Division of Enforcement Case File # 04 REB 041

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

Boncler Inc. d/b/a Boncler Realty
10475 State Rd. 27
Hayward, WI 54853

Chester A. Boncler
8048 N. County Rd. K Lot 1
Hayward, WI 54843

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708

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. **Chester A. Boncler Jr.** is a licensed real estate broker in the State of Wisconsin, license # 90-2397, which was first granted on 03/27/72. Mr. Boncler's most recent address on file with the Department of Regulation and Licensing is 8048 N. County Rd. K Lot 1, Hayward, WI 54843.

2. At all times relevant to the facts set forth below; Mr. Boncler was the President and the responsible broker for Boncler Inc. d/b/a Boncler Realty.

3. **Boncler Inc. d/b/a Boncler Realty** (Boncler) is a licensed real estate business entity in the State of Wisconsin, license # 91-2180, which was first granted on 02/05/73. Boncler's most recent address on file with the Department of Regulation and Licensing is 10475 State Rd. 27, Hayward, WI 54853.

4. On January 1, 2003, Boncler's business entity license expired. On or about February 7, 2003, the Department received a license renewal request from Boncler. At the same time the Department received notice from the Department of Revenue of pending tax issues with Boncler and the Department was not authorized to renew the license. Not until June 8, 2003, were the tax issues with the Department of Revenue resolved and Boncler's license was renewed. During

the time Boncler's license was expired, between January 1, 2003, and June 8, 2003, Boncler continued to practice as a real estate business entity.

5. On January 1, 2005, Boncler's business entity license expired. On or about March 2, 2005, the Department received a license renewal request from Boncler. At the same time the Department received notice from the Department of Revenue of pending tax issues with Boncler and the Department was not authorized to renew the license. On or about March 10, 2005, the tax issues were resolved with the Department of Revenue and Boncler's license was renewed. During the time Boncler's license was expired, between January 1, 2005, and March 10, 2005, Boncler continued to practice as a real estate business entity.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. As to **Chester A. Boncler Jr.** the conduct described above in paragraphs 4 and 5, above, constitutes a violation of Wis. Stat. §§ 452.12(5)(a) and 452.12(5)(b) by failing to renew the real estate business entity license of Boncler Inc. d/b/a Boncler Realty.

3. As to **Boncler Inc. d/b/a Boncler Realty** the conduct described above in paragraphs 4 and 5, above, constitutes a violation of Wis. Stat. §§ 452.12(5)(a) and 452.12(5)(b) by practicing as a real estate business entity during the time the entity license was expired.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **Chester A. Boncler Jr.**, license # 90-2397 to practice as a real estate broker in the state of Wisconsin be, and hereby is, **REPRIMANDED**.

2. The license of **Boncler Inc. d/b/a Boncler Realty**, license # 91-2180 to practice as a real estate business entity in the state of Wisconsin be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

3. **Boncler Inc. d/b/a Boncler Realty** shall jointly and severally pay **COSTS** in this matter in the amount of \$900.00, within 60 days of this order.

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Respondents' 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. In the event Respondent fails to timely submit any payment as ordered, the Respondents' license SHALL BE SUSPENDED, without further notice or hearing. Respondents have complied with the terms of this Order.

4. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

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| By: | Robert Kollmansberger | June 13, 2005 |
| | A Member of the Board | Date |