

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
STEPHEN S. OHR,	:	LS0608249REB
RESPONDENT.	:	

Division of Enforcement Case File No. 04 REB 276

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

Stephen S. Ohr
15990 93rd Avenue
Chippewa Falls, Wisconsin 54729

Real Estate Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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. Stephen S. Ohr (Date of Birth: October 4, 1952) is duly licensed to practice as a Real Estate Salesperson in the state of Wisconsin (license #94-56710). This license was first granted on April 22, 2003. The license is current until December 31, 2006.

2. Mr. Ohr's most recent address reported to the Department of Regulation and Licensing is 15990 93rd Avenue, Chippewa Falls, WI 54729.

3. On or about April 8, 1996, Mr. Ohr was convicted of three counts of Misdemeanor 4th Degree Sexual Assault in Chippewa County, Wisconsin Circuit Court. A true and correct copy of the Criminal Complaint and Judgment of Conviction in this matter is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.

4. On or about November 13, 2000, Mr. Ohr was convicted of one count of Misdemeanor Disorderly Conduct in Wood County, Wisconsin Circuit Court. A true and correct copy of the Criminal Complaint and Judgment of Conviction in this matter is attached to this document as Exhibit B. Exhibit B is incorporated by reference into this document.

5. On or about April 17, 2003, Mr. Ohr filed with the Department of Regulation and Licensing an Application for New Salesperson or Broker License. Mr. Ohr indicated NO to the following question on the application:

“ Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state, **OR** are criminal charges or DWI charges currently pending against you? If YES, complete and attach Form #2252.”

6. Based upon the above answer and other materials submitted for his application, Mr. Ohr was issued a real estate salesperson license by the Department on April 22, 2003.

7. Mr. Ohr did not inform the Department of the 1996 and 2000 convictions on his 2003 application.

8. On May 9, 2006, Mr. Ohr was convicted of three counts of misdemeanor Disorderly Conduct and one count of Chippewa County Ordinance Disorderly Conduct in Chippewa County, Wisconsin Circuit Court. One county of felony Misappropriate ID Information was transferred to deferred prosecution until May 9, 2007. A true and correct copy of the Criminal Complaint, Amended Criminal Complaint, County Ordinance Violation and Judgment of Conviction in this matter is attached to this document as Exhibit C. Exhibit C is incorporated by reference into this document.

9 Mr. Ohr did not inform the Department of his 2006 conviction within 30 days of the Judgment of Conviction.

10. In resolution of this matter, Stephen S. Ohr consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to Wis. Stat. sec. 452.14.

2. The Wisconsin Real Estate Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).

3. By not informing the Department of Regulation and Licensing in his April 17, 2003, Application for New Salesperson or Broker License, of his April 8, 1996, and November 13, 2000, criminal conviction Mr. Ohr is subject to:

a. Wis. Stat. sec. 452.14 (3)(a). Disciplinary proceedings shall be conducted by the board according to rules adopted under s. 440.03(1). The board may revoke, suspend or limit the broker's, salesperson's or time-share salesperson's license or registration, or reprimand the holder of the license or registration, if it finds that the holder of the license or registration has:

a. Made a material misstatement in the application for a license or registration, or in any information furnished to the board or department.

4. Mr. Ohr did not report his May 9, 2006, criminal conviction to the Department within 30 days of the judgment of conviction. Mr. Ohr has violated:

Wis. Admin. Code § RL 24.17(1). A licensee who has been convicted of a crime, except motor vehicle offenses under chs. 341 to 349, Stats., shall send to the department within 30 days after the judgment of conviction a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the licensee was convicted are substantially related to the practice of a real estate broker or salesperson, pursuant to s. 111.335(1)(c), Stats.

5. Mr. Ohr's April 8, 1996, and November 13, 2000, and May 9, 2006, criminal convictions are substantially related to the practice of real estate. Accordingly, Mr. Ohr is subject to:

Wis. Admin. Code § RL 24.17(1). Licensees may not violate, or aid or abet the violation of, any law the circumstances of which substantially relate to the practice of a real estate broker or salesperson.

Wis. Admin. Code § RL 24.17(2). The board may discipline a licensee on the basis of a conviction of any crime, the circumstances of which substantially related to the practice of real estate. A certified copy of a judgment of a court of record showing such conviction, within this state or without, shall be presumptive evidence of conviction.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The Real Estate Salesperson license of Stephen S. Ohr (license #94-56710) is hereby **REVOKED**.

Mr. Ohr shall also pay total costs in the amount of SEVEN HUNDRED TWENTY FIVE dollars (\$725.00) in this matter. Payment shall be submitted within 90 days from the effective date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

Mr. Ohr shall also submit to the Department Monitor all indica of licensure.

In the event that Stephen S. Ohr, should reapply for a Wisconsin Real Estate Salesperson license, the Wisconsin Real Estate Board may in its sole discretion, determine whether or not a permit should be reissued, and under what terms and conditions the permit would be issued.

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

REAL ESTATE BOARD

By: Peter Sveum 8/24/06
A Member of the Board

Date

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	
STEPHEN S. OHR,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case File No. 04 REB 276

It is hereby stipulated between Stephen S. Ohr, personally on his own behalf, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Ohr’s real estate salesperson’s licensure by the Division of Enforcement (04 REB 276). Mr. Ohr consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Ohr understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Ohr is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Ohr agrees to the adoption of the attached Final Decision and Order by the Real Estate Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Ohr waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Mr. Ohr or Mr. Ohr’s attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation.
7. Mr. Ohr is informed that should the Board adopt this Stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Stephen S. Ohr in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.

Stephen S. Ohr

Respondent

15990 93rd Avenue

Chippewa Falls, WI 54729

License Number 94-56710

Date

John C. Temby

Attorney

Division of Enforcement

Post Office Box 8935

Madison, WI 53708-8935

Date