

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
STEVEN A. JAPPE, :
: LS0608246REB
RESPONDENT. :

Division of Enforcement Case No. 05 REB 199

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Steven A. Jappe
N4135 Attewell
Mauston, WI 53948

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 decision of the matter, 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 Steven A. Jappe (“Respondent”), whose date of birth is November 29, 1961, whose last known address of record with the Department of Regulation and Licensing (“Department”) is N4135 Attewell, Mauston, WI 53948, holds a license as a Real Estate Time-Share Salesperson (#93-2216). Respondent was granted the license on April 5, 2005, pursuant to Wis. Stat. ch. 452, and has held it at all times material to this complaint. The license expires on December 31, 2006.

2. Respondent’s license was, at all times relevant to this matter, subject to certain limitations, as set forth fully in the Order of *In the Matter of Application for Real Estate Timeshare Salesperson’s License for Steven A. Jappe*, LS#054051REB.

3. Paragraph 10 of the Order in LS#054051REB reads, in relevant part, that, “Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a violation of this Order. The requirements shall include: (a.) Contact with the Approved Program on a daily basis...”

4. Mr. Jappe failed to contact the approved program on the following days: June 18, 2005, June 21, 2005, June 23, 2005 through July 16, 2005, and July 18 through September 6, 2005.

5. Per Wis. Admin Code § RL 24.17(3), “Licensees shall not violate any provisions... of... any disciplinary order of, the real estate board.”

6. Per Wis. Admin. Code § RL 24.01(3), “If a licensee violates rules in this chapter, the licensee has demonstrated incompetency to act as a... time-share salesperson in such manner as to safeguard the interests of the public under s. 452.14(3)(i).

7. Per Wis. Stat. § 452.14(3), “The board may revoke, suspend or limit any... time-share salesperson’s license... if it finds that the holder of the license or registration has: ... (i) Demonstrated incompetency to act as a... time-share salesperson in a manner which safeguards the interests of the public.”

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

3. Respondent **Steven A. Jappe**, by failing to contact the approved program on numerous days, as set forth more fully above in paragraph 4 of the findings of fact, has violated the terms of a disciplinary order within the meaning of Wis. Admin. Code § RL 24.17(3) and thereby demonstrated incompetency to act as a time-share salesperson in a manner which safeguards the interests of the public, contrary to Wis. Stat. § 452.14(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The VOLUNTARY SURRENDER of the license of **Steven A. Jappe** to practice as a Real Estate Time-Share Salesperson in the state of Wisconsin is hereby ACCEPTED.

2. Respondent shall, within twenty (20) days of the date of this Order, return all indicia of licensure still in his possession to the Department of Regulation and Licensing at:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935

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

By: Peter Sveum
A Member of the Board

8/24/06
Date

**STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD**

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **STIPULATION**
STEVEN A. JAPPE, :
 :
 : **LS** _____
RESPONDENT. :

Division of Enforcement Case No. 05 REB 199

It is hereby stipulated and agreed, by and between Steven A. Jappe, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (Case No. 05 REB 199). Respondent consents to the resolution of this investigation by stipulation without the issuance of a formal complaint.

2. Respondent understands that by signing 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. Respondent has been provided with the opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate 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. Respondent 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his 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. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

STEVEN A. JAPPE

Respondent
N4135 Attewell
Mauston, WI 53948

Date

MARK A. HERMAN

Attorney, Division of Enforcement
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708 8935

Date

[Voluntary Surrender.]