

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE ALLEGED :
UNLICENSED PRACTICE BY : **FINAL DECISION AND**
: **SPECIAL ORDER OF**
: **INJUNCTION**
: **WIS. STAT. § 440.21**
ROBERT J. PREISLER. :
RESPONDENT. : **LS0804252UNL**
:

[Division of Enforcement Case File #: 06 UNL 046]

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

Robert J. Preisler
500 S. Story Street
Appleton, WI 54914

Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms of the attached Stipulation as the final decision of this matter, subject to the approval of the Department Secretary. The Department Secretary has reviewed this Stipulation and considers it acceptable.

The Department Secretary adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Robert J. Preisler (“Respondent”), date of birth: 10/24/81 was licensed as a real estate salesperson’s with limitations, having license number 094-0058337. This license was granted on October 21, 2003 and revoked on December 9, 2005.
2. The last reported address on file with the Department of Regulation and Licensing (“Department”) for the Respondent is: 500 S. Story Street, Appleton, Wisconsin 54914.
3. The Respondent is not and was not at any time relevant to this action, licensed in the State of Wisconsin to practice as a real estate salesperson.
4. On or about October 21, 2003, the Respondent was issued a real estate salesperson’s license with limitations. The terms of the limitations indicated that the Respondent would have to provide the following documentation to the Department: (1) quarterly evaluation reports from the Respondent’s broker-employer; (2) a statement indicating any convictions that he may have received while working as a real estate salesperson; (3) a statement from the Respondent’s probation agent confirming compliance with probation and its terms; and (4) a statement from the Respondent indicating that he has been in compliance with the terms of his limited license as well as all rules and regulations governing the practice of real estate.

5. The Respondent also had additional limitations as it related to working for a broker-employer. The Respondent had to comply with the following limitations: (1) provide the broker-employer with a copy of the Order that specified the Respondent's limitations; (2) receive permission from the Department to change to a new broker-employer and (3) notify any broker-employer he was working with a limited salesperson's license.
6. Department monitoring records indicated that the Respondent filed the first required quarterly report for December 1, 2003 and failed to file any additional quarterly reports after that.
7. Department monitoring records also indicated that the Respondent did not continue to work for his original broker-employer company, Valley Incorporated, Realtors (license #091-834585; granted: 07/12/94; current through: 12/14/08). Department records indicated that the Respondent stopped working for Valley Incorporated Realtors on or about September 7, 2004. During the Department's investigation, evidence was found that the Respondent began working as a real estate agent for Bayview Real Estate Incorporated (license #091-0700774, granted: 09/22/03; current through: 12/15/08) on or about September 9, 2004. The Respondent would not notify the Department that he had changed from one broker-employer company to another broker-employer company until February 23, 2006.
8. On or about December 9, 2005, the Respondent's real estate salesperson's license with limitations was revoked for failing to comply with the terms of his limited real estate salesperson's license.
9. On or about January 11, 2006, the Department received a consumer complaint alleging the Respondent was working as a real estate sales agent in Wisconsin. A case was subsequently opened for investigation.
10. Beginning on the dates of January 23, 2006 and continuing through March 11, 2006, the Respondent acted as a real estate agent for Bayview Real Estate on foreclosed property that was being sold by Federal National Mortgage Association ("FNMA"). The sale file recovered from the real estate transaction repeatedly lists the Respondent's name as the selling agent on documentation for the property being sold.
11. Copies of electronic communications from the real estate transaction reveal that the Respondent negotiated the entire sale of the foreclosed property on behalf of seller by doing the following: (1) acting as the sole contact person for the real estate transaction on behalf the seller; (2) presenting counter-offers on behalf of the seller; and (3) negotiating the terms of additional agreements for the real estate transaction on behalf of the seller
12. The Respondent and the Respondent's company did receive monetary compensation in the form of a commission from the real estate transaction that the Respondent worked on.
13. The Respondent understands that in order for him to engage in the negotiations of real estate transactions, he must first obtain a current real estate credential.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.21.
2. The Department of Regulation and Licensing is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondent, Robert J. Preisler has violated:

Wis. Stat. § 452.03 by acting as a real estate sales agent in a real estate transaction through negotiating the terms of a real estate transaction without maintaining a current real estate credential.

ORDER

NOW THEREFORE, IT IS ORDERED THAT Robert J. Preisler, is ENJOINED and PROHIBITED as follows:

1. ROBERT J. PREISLER SHALL NOT PRACTICE OR OFFER TO PRACTICE REAL ESTATE, UNTIL HE OBTAINS A CURRENT REAL ESTATE CREDENTIAL.
2. Violation of the Order described in Paragraph 1 above may result in a forfeiture of up to \$10,000 for each offense, and each day of a continued violation constitutes a separate offense. Violation of the order described in Paragraph 1 above may also constitute a referral to the office of the local District Attorney or Attorney General for further action.
3. This order shall become effective on the date of its signing.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson
Secretary

4/25/08
Date