

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**
DAVID B. AMOS and : **LS0806261REB**
DCJ INTERMEDIATE dba LAKESIDE REALTY, :
RESPONDENTS :

Division of Enforcement Case File # 06 REB 247

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

David B. Amos
P. O. Box 170795
Milwaukee, WI 53217

DCJ Intermediate dba Lakeside Realty
P. O. Box 170795
Milwaukee, WI 53217

Wisconsin 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

PROCEDURAL HISTORY

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 Wisconsin Real Estate Board ("Board"). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. David B. Amos is licensed in the State of Wisconsin as a Real Estate having license number 90-47257 which was first issued on May 16, 2003. Mr. Amos's license is current through December 14, 2008.
2. Mr. Amos's most recent address on file with the Department of Regulation and Licensing ("Department") is P.O. Box 170795, Milwaukee, WI 53217
3. DCJ Intermediate is licensed as a Real Estate Entity having license number 91-700836 which was first issued on January 26, 2004. DCJ Intermediate does business as Lakeside Realty. DCJ Intermediate's license is current through December 14, 2008. David Amos is the listed managing broker of DCJ Intermediate.
4. DCJ Intermediate's most recent address on file with the Department of Regulation and Licensing ("Department") is P.O. Box 170795, Milwaukee, WI 53217
5. On September 21, 2006, Daniel C. Crowley gave Mr. Amos \$100 either as a partial payment toward a

security deposit on an apartment which he wanted to rent, or as a processing fee for the rental. Mr. Amos was acting as the managing broker of DCJ Intermediate.

6. Mr. Crowley was unable to come up with the additional money needed to rent the apartment and asked for his money to be returned.

7. Regardless of whether it had been a processing fee or a partial payment on a security deposit, Mr. Amos agreed on October 19, 2006 to return the \$100 to Mr. Crowley.

8. Mr. Amos gave Mr. Crowley \$60 in cash and a check for \$40. The check was not honored as it was issued on a Bank One account that either had insufficient funds or had been closed.

9. Section RL 18.031 of the Wisconsin Administrative Code requires a broker to deposit security deposits to a real estate trust account. Mr. Amos did not deposit the \$100 in a trust account. Mr. Amos explained that the \$100 was a processing fee.

10. Section RL 15.04 of the Wisconsin Administrative Code requires a broker to retain deposit receipts and trust account records for at least three years. When asked by the Department of Regulation and Licensing to supply his trust account records, Mr. Amos stated that he and DCJ Intermediate have no trust account records. Mr. Amos explained that all his records were destroyed in a flood.

11. Mr. Amos issued a \$40 check on an account which did not contain \$40. Section RL 15.04 of the Wisconsin Administrative Code prohibits a broker from issuing a check upon a business or trust account which contains insufficient funds.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Respondents David B. Amos and DCJ Intermediate are subject to discipline for issuing a \$40 check on an account which either was closed or contained insufficient funds, thereby violating sec. RL 15.04, Wis. Admin. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that David B. Amos is hereby REPRIMANDED.

IT IS FURTHER ORDERED that DCJ Intermediate is hereby REPRIMANDED.

IT IS FURTHER ORDERED that David B. Amos pay the Department's costs of this matter in the amount of **\$358.50** within 90 days of the 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 the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 261-7904

In the event Mr. Amos fails to pay the costs within the time and in the manner as set forth above, his Real Estate Broker's license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 05 REB 247 be closed.

Dated this 26th day of June, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Board Chair