

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
STEPHEN J. BODENSCHATZ, : LS-0807292-REB
RESPONDENT. :

Division of Enforcement case file 07 REB 135

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

Stephen J. Bodenschatz
8555N N. Deerfoot Road
Hayward, WI 54843

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Real Estate Board on July 29, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed 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. Stephen J. Bodenschatz is licensed in the State of Wisconsin as a Real Estate Broker having license # 2217-90, first issued on April 11, 1974.
2. Mr. Bodenschatz's most recent address on file with the Department of Regulation and Licensing ("Department") is 8555N N. Deerfoot Road, Hayward, WI 54843.
3. Mr. Bodenschatz is the responsible broker for Pinewood Realty, Inc., 15437 County Road B in Hayward, Wisconsin, which holds license number 834270-91, first issued on June 8, 1992.
4. Mr. Bodenschatz is the sole shareholder of Pinewood Properties LLC, 15437 County Rd B in Hayward, Wisconsin, which manages Parkview Village, a trailer park.
5. On June 4, 2007, the Department received a complaint against Mr. Bodenschatz for an alleged failure to return a security deposit to a former leaseholder in the Parkview Village trailer park.
6. On July 18, 2007, an investigator for the Department wrote to Mr. Bodenschatz and asked for a detailed

written response to the allegations in the complaint.

7. On July 23, 2007, Mr. Bodenschatz responded to the Department's request with a letter that stated in its entirety:

"This complaint involves return of security deposit from a manufactured home community licensed by the Department of Commerce, is not owned by Pinewood Realty, Inc., or Stephen J. Bodenschatz."

8. A letter dated March 22, 2007 to the complainant Albert Gauthier written by the Office Manager of Pinewood Properties LLC says in part,

"Please use this letter as our confirmation of your conversation on Tuesday, March 20th with Steve Bodenschatz, owner of Parkview Village."

9. Mr. Bodenschatz's statement to the Department was misleading and incomplete.

10. Section RL 452.14 (3) of the Wisconsin Statutes states

"Disciplinary proceedings shall be conducted by the board according to rules adopted under s. 440.03 (1). The board may revoke, suspend or limit any 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"

11. In April of 1996, Mr. Bodenschatz was disciplined by the Real Estate Board in case 93 REB 426. The order required him to take 16 hours of continuing education, and to pay costs of \$1,000 and a forfeiture of \$5,000.

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. Respondent Stephen J. Bodenschatz is subject to discipline for making a material misstatement to the Department, contrary to sec. 452.14 (3) (a), Wis. Stats.

ORDER

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

IT IS FURTHER ORDERED that Stephen J. Bodenschatz is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Stephen J. Bodenschatz pay the Department's costs of this matter in the amount of **\$541.38** within 60 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. Bodenschatz 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 07 REB 135 be closed.

Dated this 30th day of October, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Chair