

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
NATHAN J. ZIEGEL	:	
	:	LS0808216REB
RESPONDENT.	:	

Division of Enforcement Case No. 05 REB 229

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

Nathan J. Ziegel
9745 McCarry Lake Road
P.O. Box 724
Iron River, WI 54847

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

Real Estate Board
Department of Regulation & Licensing
1400 East Washington Avenue
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 decision of this matter, subject to the approval of the Real Estate Board (“Board”). The Board has reviewed the attached Stipulation and considers it acceptable. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nathan J. Ziegel (“Respondent”), born on January 14, 1960, and whose address of record with the Department of Regulation and Licensing (“Department”) is 8335 Halfmoon Drive, Iron River, WI 54847, is duly licensed as a Real Estate Broker in the state of Wisconsin (90-49548). Mr. Ziegel’s current address is 9745 McCarry Lake Road, P.O. Box 724, Iron River, WI 54847. The license was first granted on October 7, 1998. The license expired on December 31, 2006.
2. On December 2, 2004, the Board issued a Final Decision and Order (“Order”) in case no.

LS04120210REB, Division of Enforcement case no. 03 REB 239. Per the Order Respondent committed fifteen (15) or more violations of Board Wis. Admin. Code ch. RL 18, concerning the management of trust accounts. Per the Order, Respondent's license as a broker was limited, in that Respondent was permitted to perform only those duties that may be undertaken by a person with a real estate salesperson license; was not to refer to himself as a licensed broker, advertise as a licensed broker or display his broker's license; and was to operate only under the supervision of a licensed real estate broker who must have been approved by the case advisor prior to the performance of any supervision of Respondent. These limitations were to remain in place for no less than three (3) years from the date of signing of the Order.

3. The only approved supervisor for Respondent was Mr. Kenneth Wheeler. On August 5, 2005, the Department Monitor received a letter from Mr. Wheeler stating that, effective August 31, 2005, he would cease supervising Respondent. On that same date Attorney Mark A. Herman transmitted a letter to Respondent informing him of same, and reminding Respondent that he must have a supervising broker, and urging him to identify a proposed supervisor to the Department Monitor before August 31, 2005. As of January 17, 2006, Respondent had not identified a proposed supervisor. From August 31, 2005 to January 17, 2006, Respondent continued to work as a real estate licensee, without a supervisor approved by the case advisor as required by the Board's Order in case no. LS04120210REB.

4. During the period when the Board's Order in case no. LS04120210REB was in effect, through at least November 30, 2005, Respondent continued to hold himself out to the public as a real estate broker, contrary to the Board's Order. Specifically, Respondent's web-site proclaimed that he was the "broker/owner" of Masterjohn Realty, located at 7970 Hwy. 2, Iron River, WI. During that same period, Mr. Ziegel was employed as a salesperson by Masterjohn Realty.

5. Per Wis. Admin. Code § RL 24.17 (3), "Licensees shall not violate any provisions or terms or conditions of, or aid or abet the violation of... any disciplinary order of, the real estate board."

6. Since December 31, 2006, Mr. Ziegel has been unable to renew his license, due to tax delinquency issues. This Order specifically does not determine whether or not Mr. Ziegel has practiced real estate without a license by holding himself out to the public as a real estate licensee.

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. By the conduct as described in paragraphs 3-4 and 6 Respondent has violated Wis. Admin. Code §§ RL 23.03 (2) and RL 24.17 (3), and, consequently, demonstrated incompetency to act as a broker or salesperson in a manner that safeguards the interests of the public, in violation of Wis. Stat. § 452.14 (3) (i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The VOLUNTARY SURRENDER of **Nathan J. Ziegel's** license as a real estate broker (#90-49548) is hereby ACCEPTED. Respondent shall surrender all indicia of licensure no later than thirty (30) days of the date of signing of this Order.
2. In the event that Mr. Ziegel applies for any license administered by the Department of Regulation and Licensing in the future, costs in this disciplinary matter in the amount of \$650.00 shall be immediately due and payable.
3. Any submissions or payment of costs required by this Order shall be mailed or delivered to:

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

4. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

8/21/08
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
NATHAN J. ZIEGEL,	:	
	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case No. 05 REB 229

It is hereby stipulated between Nathan J. Ziegel, Respondent; and attorney Mark A. Herman, for the 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 229). Respondent consents to the resolution of this investigation by stipulation and 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/her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
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/her 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 Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Nathan J. Ziegel, Respondent
8335 Halfmoon Drive
Iron River, WI 54847

Date

Mark A. Herman, Attorney
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Date