

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

MARC W. DAVIS,  
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0000063

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Division of Enforcement Case File # 07 REB 102

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

Marc W. Davis  
E9330 Partridge Drive  
Reedsburg, WI 53959

Wisconsin Real Estate Board  
P.O. Box 8935  
Madison, WI 53707-8935

Wisconsin 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). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Marc W. Davis is licensed in the state of Wisconsin as a Real Estate Broker, license # 90-48893. This license was first granted to Mr. Davis on 03/18/1997 and is current through 12/14/2010.
2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Mr. Davis is E9330 Partridge Drive, Reedsburg, WI 53959.

3. On March 18, 1997, Marc W. Davis was granted a Wisconsin Real Estate Broker's license (# 90-48893). On or about April 11, 2007, Mr. Davis submitted Form # 2252 to the Department. Form # 2252 is the form used to report criminal charges and convictions to the Department. Mr. Davis' report and the Department's investigation revealed the following charges and convictions for Mr. Davis:

- a. Possession of Controlled Substance – Misdemeanor – Convicted on or about 06-30-2006;
- b. Misappropriate ID Info – Obtain Money – Felony H – Convicted on or about 12-15-2006;
- c. Defraud an Innkeeper – Forfeiture – Convicted on or about 04-10-2006;
- d. Possession of Drug Paraphernalia – Misdemeanor – Convicted on or about 03-10-2006;
- e. Retail Theft – Intentionally Take (<=\$2500) – Misdemeanor – Convicted on or about 03-10-2006;
- f. Disorderly Conduct – Misdemeanor – Convicted on or about 04-12-2006;
- g. Retail Theft – Intentionally Take (<=\$2500) – Misdemeanor – Convicted on or about 09-22-2005; and
- h. Theft – Movable Property <=\$2500 – Misdemeanor – Convicted on or about 07-20-2005.

4. Mr. Davis did not inform the Department of any of the above convictions within 30 days of the judgment of conviction.

5. In resolution of this matter, Respondent Marc W. Davis consents to the entry of the following Conclusions of Law and Order.

#### MITIGATING FACTORS

1. There is no evidence that any client or customer of Mr. Davis has been harmed by his actions.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in paragraphs 3-4 of the Findings of Facts, Respondent Marc W. Davis has violated Wis. Admin. Code § RL 24.17(1) by failing to report the judgment of convictions within thirty (30) days. As a result, Mr. Davis is subject to discipline pursuant to Wis. Admin. Code § RL 24.01(3) and Wis. Stat. § 452.14(3).

3. In having been convicted of crimes described in paragraph 3 of the Findings of Facts, the circumstances of which substantially relate to the practice of a real estate broker, Respondent Marc W. Davis has violated Wis. Admin. Code § RL 24.17(1). As a result, Mr. Davis is subject to discipline pursuant to Wis. Admin. Code §§ RL 24.01(3) and 24.17(2) and Wis. Stat. § 452.14(3).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the license of Marc W. Davis (number 90-48893) to practice as a real estate broker in the state of Wisconsin is hereby accepted.

IT IS FURTHER ORDERED that:

2. Marc W. Davis shall not seek to renew, or request reinstatement or re-apply for licensure to practice as a real estate broker or salesperson in the State of Wisconsin for a minimum of three (3) years from the date of this Order.

3. In the event that Marc W. Davis seeks to renew or reinstate his license(s) to practice as real estate broker or salesperson in the State of Wisconsin, he shall submit a new application for licensure and meet all then-existing requirements for licensure.

4. In the event that Marc W. Davis seeks to renew or reinstate his license(s) to practice as a real estate broker or salesperson in the State of Wisconsin, the Wisconsin Real Estate Examining Board may determine whether and under what terms and conditions such request may be granted.

5. Marc W. Davis shall not practice or attempt to practice as a real estate broker or salesperson in the State of Wisconsin without being licensed in Wisconsin.

IT IS FURTHER ORDERED THAT:

6. If Marc W. Davis ever applies for renewal or reinstatement of his Wisconsin real estate broker's license, or applies for any license from this Department, then he shall pay the costs of investigating and prosecuting this matter, in the amount of SIX HUNDRED DOLLARS (\$600.00), before any such application may be considered. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

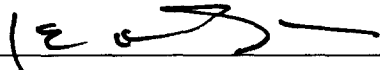
IT IS FURTHER ORDERED that:

8. File 07 REB 102 be, and hereby is, closed.
9. This Order is effective on the date of its signing.

Dated this 24 day of JUNE, 2010.

WISCONSIN REAL ESTATE EXAMINING BOARD

By: \_\_\_\_\_

  
PETER A. SREEN