

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

CALEB J. HALL,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0000 818

Division of Enforcement Case File Number 10 REB 024

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

Caleb J. Hall
136 York St.
Sheboygan Falls, WI 53085

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

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 (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 Caleb J. Hall is licensed in the state of Wisconsin as a Real Estate Broker, having license number 90-53114. This license was first granted to him on 07/18/2005 and is current through 12/14/2012. Mr. Hall was previously licensed in the state of Wisconsin as a Real Estate Salesperson, having license number 94-54081. That license was first granted to him on 01/17/2002 and expired on 12/31/2006.

2. The most recent address on file with the Department of Regulation and Licensing (Department) for Caleb J. Hall is 136 York St., Sheboygan Falls, WI 53085.

3. On or about March 1, 2010, the Department received a complaint alleging that Caleb J. Hall had stolen the entire contents from the home of his real estate clients, Mr. and Mrs. B.P., and sold

the clients' property for his personal gain during the course of his real estate duties for Mr. and Mrs. B.P. A case was subsequently opened for investigation.

4. On or about February 25, 2010, a criminal complaint was filed against Caleb J. Hall by the Sheboygan County District Attorney's Office. Caleb J. Hall was charged with one felony count of Theft – Movable Property >\$10,000, as a Party To A Crime, Repeater, and one misdemeanor count of Obstructing An Officer, Repeater, in Sheboygan County Circuit Court Case No. 2010 CF 115. A copy of the criminal complaint is attached as **Exhibit A** and is incorporated herein by reference.

5. On or about February 14, 2011, Caleb J. Hall pled no contest to the felony charge of one count of Theft – Movable Property >\$2,500 - \$5,000 in Sheboygan County Circuit Court Case No. 2010 CF 115 and was found guilty of that crime. Mr. Hall was sentenced to thirty (30) days in the local jail with Huber privileges. A copy of the judgment of conviction is attached as **Exhibit B** and is incorporated herein by reference.

6. In resolution of this matter, Respondent Caleb J. Hall consents to the entry of the following Conclusions of Law and Order.

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 **Exhibit A** and by the judgment of conviction in **Exhibit B**, Respondent Caleb J. Hall has violated Wis. Admin. Code § RL 24.17(1) by his violation of law, the circumstances of which substantially relate to the practices of a real estate broker.

3. Pursuant to Wis. Admin. Code § RL 24.01(3), by the violations described in paragraph 2 of the Conclusions of Law, Respondent Caleb J. Hall has demonstrated incompetency to act as a broker and salesperson in such manner as to safeguard the interests of the public and is therefore subject to discipline under Wis. Stat. § 452.14(3)(i).

4. By the violations described in paragraph 2 of the Conclusions of Law, Respondent Caleb J. Hall has failed to protect the public against fraud, misrepresentation and unethical practices pursuant to Wis. Admin. Code § RL 24.03(2)(b); he is guilty of conduct which constitutes improper, fraudulent or dishonest dealing and is therefore subject to discipline under Wis. Stat. § 452.14(3)(k).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The **VOLUNTARY SURRENDER** of Caleb J. Hall's Real Estate Broker license (number 90-53114) and the right to renew that license is hereby **ACCEPTED**.
3. Caleb J. Hall shall not apply for renewal or reinstatement of his Real Estate Broker license.

4. Caleb J. Hall shall not practice or attempt to practice as a Real Estate Broker without being licensed in Wisconsin.

IT IS FURTHER ORDERED that:

5. All indicia of licensure shall be submitted to the Department Monitor within fifteen (15) days of the date of this Order by mailing or delivering the same to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, 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. The Board in its discretion may in the alternative impose additional conditions or other additional discipline for a violation of any of the terms of this Order.

8. This Order is effective on the date of its signing.

Dated this 28 day of APRIL, 2011.

WISCONSIN REAL ESTATE BOARD

By: 

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

STATE OF WISCONSIN

CRIMINAL COMPLAINT

STATE'S
EXHIBIT

A

-VS-

DA Case No.: 2010SB000742
Assigned DA/ADA: Joel Urmanski
Agency Case No.: SSD09-0056-187
Court Case No.: 2010 **CF 115**

Caleb J Hall
136 York Street
Sheboygan Falls, WI 53085
DOB: 11/06/1975
Sex/Race: M/W
Alias: Kaleb J Hall

Defendant.

Sgt. Eugene Wielgosh, Sheboygan County Sheriff Department being
first duly sworn on oath deposes and says on information and belief:

**Count 1: THEFT - MOVABLE PROPERTY (> \$10,000) - PTAC, AS A PARTY
TO A CRIME, REPEATER**

The above-named defendant on or about July 30, 2009 to August 01, 2009, Sheboygan County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Brian and Stephanie Pesmen, having a value greater than \$10,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(c), 939.50(3)(g), 939.05, 939.62(1)(b) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least 1 felony during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

Count 2: OBSTRUCTING AN OFFICER, REPEATER

The above-named defendant on Tuesday, January 19, 2010, Sheboygan County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, conducting an investigation, contrary to sec. 946.41(1), 939.51(3)(a), 939.62(1)(a) Wis. Stats.

CLERK OF COURTS

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least 1 felony during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

The basis of complainant's charge of such offense is: Official reports prepared by Deputy Chadwick Schoen of the Sheboygan County Sheriff Department, which reports indicate that on August 11, 2009, at approximately 9:49 a.m. Deputy Schoen was dispatched to N8055 Little Elkhart Lake Road, Town of Rhine, County of Sheboygan, State of Wisconsin, in reference to a possible burglary.

Deputy Schoen made contact at the dispatched location with victim, Brian Pesmen. Deputy Schoen learned that Pesmen and his wife had been evicted from the residence at N8055 Little Elkhart Lane Road, but their personal property remained inside. Deputy Schoen confirmed that although he had been told the Pesmen residence had been foreclosed, the property inside the residence still belonged to the Pesmens and the final foreclosure and transfer of property rights was not to occur until September of 2009. Pesmen reported that a significant amount of his property, totaling approximately \$305,965.00, had been taken from the residence. Included within the property taken were items of sentimental value and family heirlooms that had been handed through several generations.

Deputy Schoen conducted a walk-through of the residence, noting that whoever removed the property from the residence had been very thorough. Very little personal property remained inside the residence. Deputy Schoen also observed that the locks on the residence had been changed. He later learned from the mortgage company that the company had contracted with an individual to change the locks and that the direction was for the locks to be changed only and no personal property to be removed.

On August 14, 2009, Deputy Schoen made contact with an employee of the Property Preservation Department of Fifth Third Bank. He was advised that the bank's file showed that the Mortgage Contracting Services Company was to change the locks on the Pesmens' residence but should not have removed any property from the address.

On August 21, 2009, Deputy Schoen made contact with Gary Pagel, who had been assigned the duty of changing the locks on the Pesmen residence. When asked about the property at N8055 Little Elkhart Lake Road, Pagel advised that he remembered going to the property and changing the locks. Pagel referenced an appointment book and indicated that the lock change at the residence occurred on July 20, 2009. Pagel also advised that he took photographs of the condition of the property at the time the locks were removed and documented the types and conditions of all property remaining inside of the residence, outbuildings and on the property. He further told Deputy Schoen that he remembered the residence having a large amount of personal property. Deputy Schoen was later provided multiple photographs of the property that had been left at the residence after the locks had been changed. The photos showed a significant amount of personal property.

On September 4, 2009, Deputy Schoen made contact with John D. Outland, d.o.b. 8/25/61. While speaking with Outland, Deputy Schoen learned that Outland had removed personal property from N8055 Little Elkhart Lake Road. Outland advised that the property had been removed between July 30th and July 31st, 2009. He explained that he obtained a key for the residence from the realtor, his nephew, Caleb J. Hall, d.o.b. 11/6/75. After obtaining the key to the residence, Outland removed all of the property in the residence. The personal property was placed into storage at Farm Crest Storage on County Highway C in Sheboygan County. Outland advised that he had conducted a walk-through of the residence at the end of the move and did not notice anything damaged or destroyed. He further advised that his son Mark had accompanied him during the move.

On January 2, 2010, Deputy Schoen again made contact with Pesmen. Pesmen advised that the bank had recently returned items that had been removed from his residence, but not all of his property had been returned. Pesmen described approximately 98 items that were still missing, which included silverware, dishes, appliances, furniture, wicker chairs, side tables, and additional amounts of assorted personal property. Pesmen stated that the removal of the property was initially described as an error on the part of the bank.

On January 19, 2010, Deputy Schoen again made contact with John Outland. Outland advised that he had not been compensated for completing the move and was in a dispute with Hall about compensation. Deputy Schoen informed Outland that he had a list of items that were missing after the move and wanted to review the list with him to determine whether he remembered moving any of the

property that was still missing into storage. Deputy Schoen showed Outland several photographs of property that had remained in N8055 Little Elkhart Lake after the locks were changed. Outland was able to point out multiple items that he remembered placing in storage. When pointing to a large freezer that Pesmen indicated had not been returned, Outland stated that he did not move a freezer and did not remember seeing one in the residence. Outland also advised that he had not been in the pool house, and thus had not moved any of the wicker furniture that had been stored in the pool house and reported still missing.

Deputy Schoen also spoke to Outland's son, Mark. Mark advised that he had in fact helped his father move property out of the Pesmen residence. Initially, Mark stated that he had not moved anything out of the pool house, however, later indicated that he did remember moving some items from the pool house. He described the items moved from the pool room as green colored wicker furniture, including a green wicker table with a circular glass top. Mark also indicated that he had moved a freezer chest. He went on to state that the freezer chest was a two-person job and that his father, John Outland, had assisted him.

On January 19, 2010, Deputy Schoen made contact with Hall. Hall informed Deputy Schoen that prior to property being moved from N8055 Little Elkhart Lake Road he had done a walk-thru of the residence and observed some of the property in the residence. Deputy Schoen showed Hall photographs of property remaining in the Pesmen residence after the locks were changed. Deputy Schoen specifically addressed items that had been in the pool house. Hall indicated that he did not remember seeing a green wicker table with a round glass top or wicker chairs.

Hall told Deputy Schoen that he had employed John Outland and that at some point during his interactions with Outland, there had been a mistake. He stated that Outland had mistakenly gone to the Pesmen property and cleared it out when he had only been hired to go to the residence and perform a bid on maintaining the property with yard service. He also advised that the property remained in storage, which he had made payments to maintain, until he made arrangements for it to be returned to Mr. Pesmen.

After speaking with Hall, Deputy Schoen once again made contact with John Outland. Prior to the contact, Deputy Schoen had an opportunity to review all the photographs that he had of the Pesmens' property. After viewing the photographs, Deputy Schoen noted a couch in one of the photographs that looked very similar to a couch inside of Outland's residence. Deputy Schoen inquired of

Outland whether or not he knew anything more about the property. He then asked several questions about the couch in Outland's residence. Outland acknowledged that the couch in his residence did belong to Brian Pesmen. He explained that he kept the couch because he was not being paid for the move. He also stated that he did not have anymore of the Pesmens' property at his residence. However, as the interview continued Outland's son came up with silverware that had gone missing at the Pesmen residence.

Deputy Schoen again made contact with Hall, who assured Deputy Schoen that Outland had provided him with a \$1,500 estimate for the removal of property from the Pesmen residence. Deputy Schoen stopped his interview and asked Hall why Outland would provide him with an estimate of \$1,500 if Outland had already mistakenly removed the property from the residence. Hall did not answer the question.

On January 21, 2010, Deputy Schoen made contact with Christopher Dyke who was mentioned by John Outland. According to Outland, Hall told him not to mention Dyke's name to the police. Dyke immediately informed Deputy Schoen that he believed that he knew why Deputy Schoen contacted him. He stated that he had helped Caleb Hall with a move last summer and felt that the contact with law enforcement probably had something to do with the move as the whole process and circumstances seemed unusual. Dyke told Deputy Schoen that he had worked with Hall in the past, helping trash out foreclosed homes and disposing of property. He had also worked with John Outland in the past.

Dyke told Deputy Schoen that he remembered first assisting with a move on Little Elkhart Lake Road on July 31, 2009 and remembered returning on Saturday, August 1, 2009. Dyke described the residence as appearing to have been in an almost lived-in condition with dishes, laundry still on top of a washing machine, toothbrushes still by a sink, and other conditions that led him to believe that someone must have been still living in the residence. He contacted Hall, asking him to come to the residence as he was uncomfortable moving things from the home until he knew exactly what was to be moved. Hall arrived at the residence and assisted with the move. Dyke also remembered working the move with John Outland and Outland's son, Mark. Dyke went on to tell Deputy Schoen that he was going to be reimbursed for the move once an auction was complete and the proceeds of the auction were split.

Dyke described removing from the residence on Little Elkhart Lake Road household items, furniture, and eventually a snowmobile trailer containing two snowmobiles and a generator described as a full-size semi-engine. So much property was taken from the residence that it

all did not fit into storage sheds. Dyke advised that he had taken some of the property to his residence where it was stored for approximately a week. He described the property stored at his residence as including green wicker lawn furniture removed from a pool house. He went on to state that half of the items stored at his residence were transferred to Farm Crest Storage later in the week. He specifically stated that a week later, probably Saturday, August 8, 2009, Hall had requested that Dyke take the property from his residence to Farm Crest Storage shed where other property was stored. Upon his arrival, Dyke discovered that a sale was being held and as a result of other property being sold out of the storage shed there was space for the remainder of the property. Dyke described Hall as the person appearing to be in charge of the sale and found it quite unusual that there was no representative from the bank at the auction.

Dyke also told Deputy Schoen that he had later been asked to take more property and took from the storage shed a green wicker patio set along with green wicker chairs to Hall's residence. He was then asked to take a wrought iron patio set, including chairs, to Hall's father's residence.

Deputy Schoen made contact with various citizens who had attended a sale out of a storage shed on County Highway C. The sale was described as having been held by Caleb Hall. Citizens described items that they had purchased, which Deputy Schoen recognized as property taken from the Pesmen residence. One citizen looked at photos Deputy Schoen had of property within the Pesmen residence. The citizen was able to identify property within the photos as having been in the storage sheds during the sale.

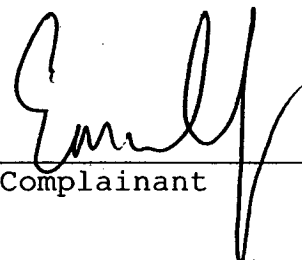
Your Complainant has been informed by Assistant District Attorney Joel Urmanski that a review of records on file with the CCAP System, which records indicate that Caleb J. Hall, d.o.b. 11-6-75, has been convicted of the following felony offense within the preceding five years: Possession of THC (2+ Offense), in violation of section 961.41(3g)(e) of the Wisconsin Statutes, in Sheboygan County case 2005CF78. CCAP records reflect that plea and sentencing in the case

occurred June 28, 2005. The felony conviction remains of record and unreversed.

Subscribed and sworn to before me
this 25th day of February, 2010
and approved for filing:



Assistant District Attorney
Sheboygan County, Wisconsin



Complainant

State of Wisconsin vs. Caleb J Hall

Judgment of Convictionand Sentence to the
County Jail/Fine/ForfeitureSTATE'S
EXHIBIT**B**

Date of Birth: 11-06-1975

Case No.: 2010CF000115

List Aliases: AKA Caleb J Hall

The defendant was found guilty of the following offense(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	Theft-Movable Property >\$2500-\$5000	943.20(1)(a)	No Contest	Felony I	07-30-2009 on or about July 30, 2009 to August 01, 2009		02-14-2011

The defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Begin date	Begin time	Agency	Comments
1	02-14-2011	Costs					
1	02-14-2011	Local Jail	30 DA	03-14-2011	07:00 pm	Sheboygan County Sheriff	with Huber

Obligation Detail:

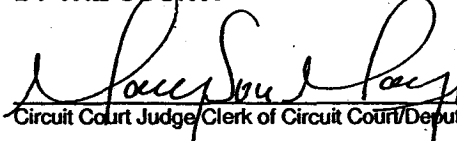
Ct.	Schedule	Amount	Days to Pay	Due Date	Failure to Pay Action	Victim
1	Criminal court costs	30.00	60	04-15-2011	Commitment	
1	Fel Victim/Wit Surcharge	105.00	60	04-15-2011	Commitment	
1	Warrant fee	12.00	60	04-15-2011	Commitment	

Obligation Summary:

Ct.	Fine & Forfeiture	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge	Totals
1	10.00	32.00			13.00	92.00			147.00

Total Obligations: 147.00

It is adjudged that 3 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes.

☐ It is ordered that the Sheriff take the defendant into custody.**Distribution:**Terence T Bourke, Judge
Jennifer A Bork, District Attorney's Office
John Hawley, Defense Attorney
County Sheriff**BY THE COURT:**

 Circuit Court Judge/Clerk of Circuit Court/Deputy Clerk

February 17, 2011

Date