

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DANIEL W. POPE,
RESPONDENT.

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:
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:
:
:

FINAL DECISION AND ORDER

ORDER 0001541

Division of Enforcement Case No. 11 REB 062

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

Daniel W. Pope
S589 Oak Hill Lane
Wisconsin Dells, WI 53965

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

Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

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 Examining 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Daniel W. Pope (dob 04/15/1948) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-48971, first issued on 05/12/1997 and current through 12/14/2012. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is S589 Oak Hill Lane, Wisconsin Dells, WI 53965.

2. On or about June 13, 2011, the Department received a complaint against Respondent alleging mortgage fraud and fraudulent real estate practices. Division of Enforcement Case Number 11 REB 062 was subsequently opened for investigation.

3. The Department's investigation revealed that on or about January 10, 2007, Respondent entered into a real estate contract to sell 25 acres of land to D.G. and J.G. On or about April 5, 2007, this real estate transaction closed.

4. On or about June 12, 2007, Respondent entered into another real estate contract to sell an additional eight acres of land to D.G. and J.G. On or about July 15, 2007, this real estate transaction closed.

5. On or about January 16, 2007, subsequent to the first real estate contract, Respondent took out a mortgage loan on the 33 acres of land he sold to D.G. and J.G.

6. A short time after each respective real estate closing, Respondent had a Warranty Deed prepared for the parcel representing that the property was free and clear of encumbrances.

7. Respondent failed to timely notify D.G. and J.G. of the lien against the parcels.

8. Respondent acted on his own behalf in both transactions without written consent from all parties.

9. In resolution of this matter, Respondent Daniel W. Pope consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining 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 the Findings of Fact, Respondent violated Wis. Stat. §§ 452.133(1)(a) and (b) by failing to provide brokerage services honesty and fairly or with reasonable skill and care.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(c) and Wis. Admin. Code § RL (now REEB) 24.07(2) by failing to timely disclose in writing all material adverse facts that he knew and that the persons in the transaction did not know.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(3)(b) by acting on his own behalf in real estate transactions without written consent from all parties.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(b), (i), (k) and (L).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.

2. Respondent Daniel W. Pope's real estate broker license (no. 90-48971) is hereby REVOKED.

3. Respondent shall not seek to reinstate or apply for any real estate license with the State of Wisconsin for at least three (3) years from the date of the Order.

4. In the event that Respondent seeks to reinstate his license or applies for any real estate license following three (3) years from the date of the Order, he shall submit a new application for licensure and meet all requirements for licensure then existing at the time of his request.

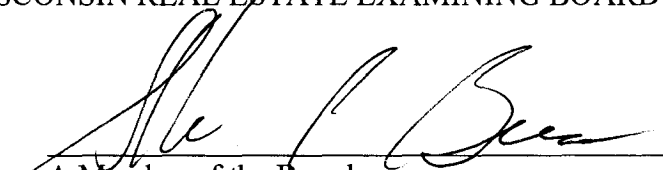
5. Should Respondent seek to reinstate his license or apply for any other real estate license following three (3) years from the date of the Order, the Real Estate Examining Board may in its sole discretion determine whether, and under what circumstances, a license may be issued.

6. 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 Respondent's license. 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

5-18-12
Date