

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	:	
	:	FINAL DECISION AND ORDER
HARVEY J. GOLDSTEIN,	:	
RESPONDENT.	:	ORDER 0001543

Division of Enforcement Case Number 10 REB 050

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

Harvey J. Goldstein
2980 South Logan Avenue
Milwaukee, WI 53207

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

Division of Enforcement
Wisconsin 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 Harvey J. Goldstein (dob 02/25/1953) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 94-69459, first issued on 02/15/2007 and current through 12/14/2012. Respondent Goldstein's most recent address on file with the Department of Safety and Professional Services (Department) is 2980 South Logan Avenue, Milwaukee, WI 53207.

2. In April 2010, the Department was notified by the Wisconsin Office of Lawyer Regulation (OLR) and by Respondent Goldstein that Respondent's license to practice law in Wisconsin had been suspended for a period of two years, effective May 24, 2010. Division of Enforcement Case Number 10 REB 050 was subsequently opened for investigation.

3. A review of court records obtained during the Department's investigation revealed that the OLR filed a 24-count disciplinary complaint against Respondent Goldstein. A referee was appointed to the case and found misconduct with respect to 21 of the counts, as follows:

- a. Six counts involving conversion of probate funds from three estates while acting as a special administrator and, in one case, a personal representative;
- b. Six counts involving trust account and other violations, including the comingling of trust account funds with funds received from Respondent's wife and Respondent's personal business venture;
- c. Eight counts involving violations of recordkeeping regulations and personal use of trust account funds; and
- d. One count of using trust account funds for personal purposes, including real estate ventures.

4. The referee recommended a 1-year license suspension, restitution and costs of the proceeding.

5. The OLR appealed the referee's recommendation. On April 14, 2010 the Wisconsin Supreme Court upheld the referee's findings and conclusions with respect to Respondent Goldstein's misconduct. The Wisconsin Supreme Court ordered a two-year suspension of Respondent Goldstein's law license, restitution and costs.

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

CONCLUSIONS OF LAW

1. The State of 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 Harvey J. Goldstein has violated Wis. Admin. Code § RL (now REEB) 24.17(1) by violating laws the circumstances of which substantially relate to the practice of a real estate salesperson.

3. As a result of the violation noted in the Conclusions of Law, Respondent Harvey J. Goldstein is subject to discipline pursuant to Wis. Stat. § 452.14(3)(k) and (L).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent Harvey J. Goldstein is hereby REPRIMANDED.
3. The real estate salesperson's license of Harvey J. Goldstein (license no. 94-69459) is hereby LIMITED as follows:
 - a. Harvey J. Goldstein shall provide his real estate employer with a copy of this Final Decision and Order immediately upon its issuance and upon any change of employment during the time in which this limitation remains in effect.
 - b. Harvey J. Goldstein shall only perform real estate activities as a licensed salesperson under a licensed broker-employer.
 - c. Harvey J. Goldstein shall not apply for any real estate broker's license with the State of Wisconsin while this limitation is in effect.
 - d. Harvey J. Goldstein shall arrange for his supervising broker to file with the Department Monitor quarterly reports within 10 days of the following dates: September 1, 2012, December 1, 2012, March 1, 2013, June 1, 2013, September 1, 2013, December 1, 2013, March 1, 2014, and June 1, 2014. Each report shall include:
 - i. The name, address and telephone number of Harvey J. Goldstein and the name, address and telephone number of Harvey J. Goldstein's supervising broker.
 - ii. A statement from Harvey J. Goldstein's supervising broker evaluating Harvey J. Goldstein's performance as a real estate salesperson and whether Harvey J. Goldstein has adhered to the requirements of his broker-employer and this Order.
 - e. Harvey J. Goldstein's supervising broker shall immediately report to the Department Monitor any violation or suspected violation of this Order.
 - f. Harvey J. Goldstein shall not have a real estate trust account under his own name or the name of any entity in which he is an owner, partner, officer or director.
 - g. Harvey J. Goldstein must comply with all statutes and regulations pertaining to real estate client funds and trust accounts.

- h. Any real estate client funds received by Harvey J. Goldstein shall be placed in his broker-employer's real estate trust account pursuant to Wis. Admin. Code Ch. REEB 18.
- i. Harvey J. Goldstein shall, within one (1) year of the date of this Order, successfully complete nine (9) hours of education in the areas of ethics, trust accounts and real estate offers offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
- j. Harvey J. Goldstein shall submit proof of completion of the education in the form of verification from the institution providing the education to the Department Monitor. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board, the Department or similar authority in any state, and also may not be used in future attempts to upgrade a credential in any state.
- k. Harvey J. Goldstein may not transfer employment to another broker-employer without permission, in advance, from the Department unless the new broker-employer agrees, in writing, that the terms of this limitation will be complied with.
- l. This limitation may be removed no earlier than July 1, 2014 and only subsequent to a written request to the Department Monitor on or after that date that satisfies the Board or its designee that Respondent has complied with all the terms of this limitation.

4. Within ninety (90) days of the date of this Order, Harvey J. Goldstein shall pay COSTS of this matter in the amount of \$185.00.

5. Quarterly reports, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered to the Department Monitor at the address below:

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


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. In the event Respondent fails to timely submit payment of the costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's

license (no. 94-69459) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

5-10-12
Date