

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BEN STOVEKEN,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002708

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Division of Legal Services and Compliance Case No. 12 REB 134

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

Ben Stoveken  
6811 Woodenshoe Rd.  
Neenah, WI 54956

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

Division of Legal Services and Compliance  
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 Ben Stoveken (dob April 16, 1980) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 74105-94, first issued on February 24, 2010 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6811 Woodenshoe Road, Neenah, Wisconsin 54956.

2. On September 10, 2012, Respondent was convicted of felony Operating While Intoxicated (4th w/in 5 years), Winnebago County Circuit Court Case Number 2012CF000263. Respondent was sentenced, in part, to six months jail time and 24 months probation.

3. Respondent failed to notify the Department of the conviction within 48 hours after the judgment of conviction.

4. In resolution of this matter, Respondent 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. Admin. Code § REEB 24.17(1) by being convicted of a crime the circumstances of which substantially relate to the practice of a real estate salesperson.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code §§ REEB 24.17(1) and SPS 4.09(2) by failing to notify the Department of his conviction within 48 hours after the judgment of conviction.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Ben Stoveken is REPRIMANDED.

3. The Real Estate Salesperson license of Respondent Ben Stoveken (license number 74105-94) is LIMITED as follows:

a. Respondent shall successfully complete all terms of the probation ordered by the Winnebago County Circuit Court in Case Number 2012CF000263.

b. Respondent shall not drive clients while on the job as a real estate salesperson until he completes all terms of his probation as ordered by the Winnebago County Circuit Court.

c. Respondent shall submit proof of completion of all terms of the probation as ordered by the Winnebago County Circuit Court to the Department Monitor at the address stated below.

d. This Limitation shall be removed from Respondent's license after he has satisfied the Department or its designee that he has successfully completed all the terms of the ordered probation.

4. In the event Respondent fails to successfully complete all terms of the probation as ordered by the Winnebago County Circuit Court in Case Number 2012CF000263, Respondent's license, number 74105-94, may, in the discretion of the Board or its designee, be REVOKED, without further notice or hearing.

5. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$262.00.

6. Proof of probation completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:


Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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 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, Respondent's license (no. 74105-94) 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:

  
A Member of the Board

10-31-13  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

BEN STOVEKEN,  
RESPONDENT.

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:  
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:  
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STIPULATION

ORDER 0002708

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Division of Legal Services and Compliance Case No. 12 REB 134

Respondent Ben Stoveken and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (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 then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

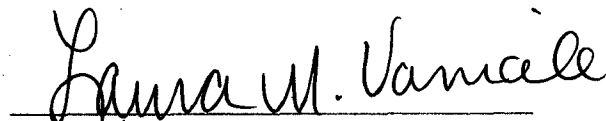
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Ben Stoveken, Respondent  
6811 Woodenshoe Rd.  
Neenah, WI 54956  
License no. 74105-94

9/3/2013  
Date



Laura M. Varriale, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

9/3/2013  
Date