

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A TIMESHARE SALESPERSON LICENSE

RAFAL OBNISKI
APPLICANT

:
:
:
:
:

ORDER GRANTING
LIMITED LICENSE

0003137

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

RAFAL OBNISKI
33A GRAND CANYON DR. # 214
BARABOO, WI 53913

REAL ESTATE EXAMINING BOARD
1400 EAST WASHINGTON AVENUE
P.O. BOX 8935
MADISON WI 53708-8935

FINDINGS OF FACT

1. RAFAL OBNISKI (Applicant) has filed an application for a credential to practice as a timeshare salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant was convicted of the following violations:
 - a. On or about 09/10/2007: THEFT
 - b. On or about 06/23/2008: OPERATE AFTER REV/SUSP OF REGISTRATION;
OPERATING WHILE SUSPENDED
 - c. On or about 05/08/2009: POSSESSION OF THC; OPERATE WITH A CONTROLLED
SUBSTANCE (1ST)
 - d. On or about 07/19/2010: DISORDERLY CONDUCT
 - e. On or about 12/13/2010: OPERATING MOTOR VEHICLE WITHOUT PROOF OF
INSURANCE; REAR SIDE WINDOW EXCESSIVE TINTING; REAR WINDOW
EXCESSIVE TINTING; VENT/SIDE WINDOW EXCESSIVE TINTING
 - f. On or about 07/18/2011: DISORDERLY CONDUCT WITH A MOTOR VEHICLE

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 452.05(1)(a).

2. The facts and circumstances of the convictions(s) referenced above substantially relate to the practice of a timeshare salesperson.
3. Applicant by his conduct is subject to action against Applicant's license pursuant to Wis. Stat. § 452.14(3).
4. Limitations upon the license of the Applicant are necessary to ensure that he is competent to act in a manner which safeguards the interests of the public.

ORDER

NOW, THEREFORE, IT IS ORDERED that RAFAL OBNISKI is GRANTED A TIMESHARE SALESPERSON LICENSE subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Practice Limitations

1. Applicant shall at all times practice as a timeshare salesperson under the supervision of a Wisconsin licensed broker-employer approved by the Board. Approval shall be obtained through correspondence with the Department Monitor.
2. Applicant shall notify his broker-employer of his history of arrests and convictions prior to employment, and shall provide a copy of this Order to Applicant's supervisor at all business entities where Applicant works as a timeshare salesperson.
3. Applicant shall commit no new violations of law, and shall report all law enforcement contacts leading to arrest, charge or conviction to the Department Monitor within 48 hours of any such event.

Reporting Requirements

4. Applicant shall file with the Board quarterly reports at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
 - a. The name, address and telephone number of Applicant, and name, address and telephone number of Applicant's employer;
 - b. A statement from the Applicant as to whether he has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI) during the term of the Order.
 - c. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

5. Applicant shall arrange for written reports from his supervisors to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of his employment, including the nature and extent of the Applicant's sales activities and whether he has practiced in compliance with all laws governing the practice of timeshare sales.
6. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order.
7. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
1400 East Washington Ave., P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817

Petitions for Modification

8. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two years of practice in compliance with all terms and conditions of this Order. Applicant's petition must include Applicant's history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two years of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stats. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

Costs

9. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Summary Suspension/Additional Discipline

10. 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 Applicant'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 that Applicant fails to submit quarterly reports as ordered, Applicant's license may, in the discretion of the Real Estate Examining Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of this order.

Dated at Madison, Wisconsin this 9 day of April, 2014



Brittany Lewin, Executive Director
On behalf of the Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A TIMESHARE SALESPERSON LICENSE

RAFAL OBNISKI
APPLICANT

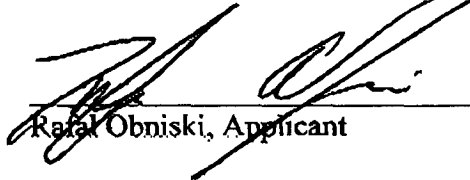
STIPULATION

0003137

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Real Estate Examining Board as follows:

The Applicant has filed an application for a timeshare salesperson license. Information received by the Board reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a timeshare salesperson subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this 26 day of March, 14


Rafal Obniski, Applicant

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Dated this 27 day of March, 2014

By: 
Brittany Lewin, Executive Director
On behalf of the Real Estate Examining Board