

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

BOBBI L. POTTER AND REAL LIVING
REAL ESTATE PROFESSIONALS, LLC,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
: **0003351**
:

Division of Legal Services and Compliance Case No. 13 REB 007

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

Bobbi L. Potter
21278 27th St.
Bloomer, WI 54724

Real Living Real Estate Professionals, LLC
712 2nd St., P.O. Box 898
Chetek, WI 54728

Wisconsin Real Estate Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Bobbi L. Potter (dob December 28, 1963) is licensed in the State of Wisconsin as a real estate broker, having license number 50128-90, first issued on February 16, 2000 and expired on December 14, 2012. Bobbi L. Potter's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 21278 27th St., Bloomer, WI 54724.

2. Respondent Real Living Real Estate Professionals, LLC is licensed in the State of Wisconsin as a real estate business entity, having license number 701081-91, first issued on April 13, 2005 and expired on December 14, 2010. Real Living Real Estate Professionals, LLC's most recent address on file with the Department is 712 2nd St., P.O. Box 898, Chetek, WI 54728.

3. Respondent Potter is identified in Department records as an officer of Respondent Real Living Real Estate Professionals, LLC.

4. On or about October 25, 2011, Respondent Potter was charged with Felony Theft-Business Setting in Barron County Circuit Court, Case No. 2011CF351.

5. On or about September 21, 2012, Respondent Potter pled guilty to and was convicted of five counts of Theft-Movable Property <=\$2500, Misdemeanor A.

6. The police report underlying the conviction states a client hired Respondent Potter, who the client knew to be a realtor, to provide professional services by collecting rent from the client's tenants. Respondent Potter failed to deposit rental monies collected into the client's bank account. Respondent paid \$5,000 of the \$6,000 restitution prior to her conviction.

7. Respondent Potter failed to notify the Board within 48 hours of the judgment of conviction.

8. Respondent has no history of formal disciplinary action by the Board and cooperated fully with the Department's investigation in this matter.

9. In resolution of this matter, Respondents consent 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, Bobbi L. Potter violated Wis. Admin. Code § REEB 24.17(1) by violating a law the circumstances of which substantially relate to the practice of a real estate broker and by failing to notify the Board within 48 hours after the judgment of conviction.

3. By the conduct described in the Findings of Fact, Real Living Real Estate Professionals, LLC violated Wis. Admin. Code § REEB 24.17(1) by aiding or abetting the above violation.

4. As a result of the above violation, Bobbi L. Potter is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and Wis. Admin. Code § REEB 24.17(2).


5. By the conduct described in the Findings of Fact, Real Living Real Estate Professionals, LLC is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (4).

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of the right to renew the real estate broker license of Respondent Bobbi L. Potter (number 50128-90) is hereby ACCEPTED.
3. The VOLUNTARY SURRENDER of the right to renew the real estate business entity license of Real Living Real Estate Professionals, LLC (number 701081-91) is hereby ACCEPTED.
4. Respondent Potter shall not re-apply for licensure for a period of four (4) years following the date of this Order.
5. Should Respondent Potter re-apply for licensure:
 - a. Respondent Potter shall pay the COSTS of this matter in the amount of \$650, before any such application may be considered.
 - b. Respondent Potter shall submit a new application for licensure and meet all requirements for licensure or certification existing at the time of the application.
 - c. The Board may determine whether and under what terms and conditions such licensure may be granted.
6. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondent Potter's right to re-apply for a license. In its discretion the Board 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

8-21-14
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

BOBBI L. POTTER AND REAL LIVING
REAL ESTATE PROFESSIONALS, LLC,
RESPONDENT.

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STIPULATION

0003351

Division of Legal Services and Compliance Case No. 13 REB 007

Respondent Bobbi L. Potter, Respondent Real Living Real Estate Professionals, LLC 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

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

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondents are represented by Attorney Kenneth Jost.


4. Respondents agree 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. Respondents waive 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 Respondents or Respondents' attorney, 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. Respondents are 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 Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



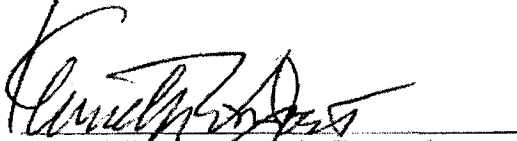
Bobbi L. Potter, Respondent
21278 27th St.
Bloomer, WI 54724
License no. 50128-90

07/09/14
Date



Real Living Real Estate Professionals, LLC, Respondent
By: Bobbi L. Potter
712 2nd St., P.O. Box 898
Chetek, WI 54728
License no. 701081-91

07/09/14
Date



Kenneth Jost, Attorney for Respondent
Jost Law Office *SBN 1082067*
110 Moore St., P.O. Box 54
Chetek, WI 54728

7/9/14
Date

Andrea Brauer

Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/10/14

Date