

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
RALPH H. BAUCH, :
RESPONDENT. : **0005149**

Division of Legal Services and Compliance Case No. 16 REB 109

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

Ralph H. Bauch
W10596 Rowley Road
Portage, WI 53901

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 Ralph H. Bauch (DOB November 25, 1950) is licensed by the State of Wisconsin as a real estate broker, having license number 29761-90, first issued on May 2, 1978 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W10596 Rowley Road, Portage, Wisconsin 53901.

2. On December 14, 2016, the Department received a complaint alleging that on July 6, 2016, while conducting an appraisal of property located at N3887 Tipperary Road, Town of Dekorra, Columbia County, Wisconsin, Respondent was observed via a surveillance camera to be going through the homeowners' personal belongings and placing items in his pockets for

his personal use. Division of Legal Services and Compliance Case Number 16 REB 109 was subsequently opened for investigation.

3. A Columbia County Sheriff's Department Incident Report indicates:
 - a. Respondent did not have the homeowner's consent to take their personal belongings, and
 - b. Respondent admitted to taking the homeowners' personal belongings.

4. On August 15, 2016, Respondent was charged with Theft-Movable Property<=\$2500, a misdemeanor, in Columbia County Circuit Court Case Number 2016CM000536.

5. A review of the video footage from the homeowners' surveillance camera shows Respondent taking items out of a tackle box and placing them into his pockets.

6. 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 violating a law the circumstances of which substantially relate to the practice of a real estate broker.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices.

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

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Ralph H. Bauch's real estate broker license (number 29761-90) is ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of his real estate broker license and his right to practice real estate as a broker in the state of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or

attempt at renewal by Respondent of credentials necessary to practice real estate as a broker in the state of Wisconsin.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Randal Longaglio
A Member of the Board

4/24/17
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RALPH H. BAUCH,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005149

Division of Legal Services and Compliance Case No. 16 REB 109

Respondent Ralph H. Bauch 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. Respondent is represented by Attorney James Heyn.

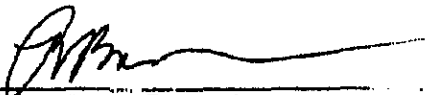
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.

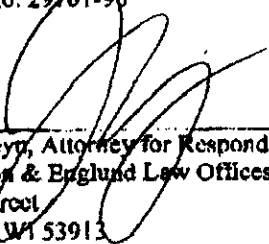
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.




Ralph H. Bauch, Respondent
W10596 Rowley Road
Portage, WI 53901
License no. 29761-90

03/31/2017
Date



James Heyn, Attorney for Respondent
Pemberton & Englund Law Offices, LLC
214 1st Street
Baraboo, WI 53913

3/31/2017
Date



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

4.3.17
Date