

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

JOSEPH L. BELL, SR.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005609

Division of Legal Services and Compliance Case No. 16 REB 079

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

Joseph L. Bell, Sr.
24608 State Road 35/70 N
Siren, WI 54872

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 Joseph L. Bell, Sr. (DOB 1/10/1947) is licensed by the State of Wisconsin as a real estate broker, having license number 47498-90, first issued on June 22, 1994 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 24608 State Road 35/70 N, Siren, Wisconsin 54872.
2. Respondent Bell is the responsible licensee for Coldwell Banker Lakeside Realty.
3. On August 8, 2016, the Department received a complaint alleging Respondent's employee, J.N., inappropriately approached sellers who had a listing agreement with another

brokerage firm. Division of Legal Services and Compliance Case No. 16 REB 079 was subsequently opened for investigation

4. The sellers initially had a listing agreement with Respondent's real estate firm. That listing expired on May 31, 2016.

5. Respondent's firm did not provide the sellers with a list of protected buyers after their listing agreement ended.

6. The sellers entered into a new listing agreement with L.O. on June 21, 2016. L.O. inquired about a list of protected buyers but the sellers did not have any such list.

7. Respondent claims during the timeframe at issue, his office migrated over to a new office system and had trouble generating lists of protected buyers for any of their listings.

8. On or about July 26, 2016, Respondent emailed the Realtors Association of Northwestern Wisconsin (RANWW) to get assistance gathering evidence that the potential buyer was a protected buyer. A list was generated from SHOWINGTIME. Respondent forwarded this list to an office administrator who forwarded it to J.N.

9. On July 30, 2016, at 2:32 p.m., J.N. emailed B.O., supervising broker for L.O., indicating she was able to retrieve a list of protected buyers for the sellers' property, that she had received an offer from a protected buyer, who was also a client of Respondent's firm and she would be presenting it to the sellers. Respondent was copied on this correspondence.

10. On July 30, 2016, at 3:30 p.m., J.N. presented the offer to the sellers.

11. On August 1, 2016, J.N. emailed the sellers indicating Respondent instructed her to proceed with the sellers and the offer.

12. Respondent denies that he authorized J.N. to contact the seller directly on July 30, 2016, or any other time.

13. 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, Joseph L. Bell, Sr. violated Wis. Stat. § 452.133(1)(a) by failing to provide brokerage services honestly and fairly.

3. By the conduct described in the Findings of Fact, Joseph L. Bell, Sr. violated Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.

4. By the conduct described in the Findings of Fact, Joseph L. Bell, Sr. violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against unethical practices.

5. As a result of the above violations, Joseph L. Bell, Sr. is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i), (k) and (L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Joseph L. Bell, Sr. is REPRIMANDED.

3. Respondent Joseph L. Bell, Sr.'s real estate broker license (number 47498-90) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete an education course(s) on the topic of business ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam(s) offered for the course(s).

b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. 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 or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

4. Within 90 days from the date of this Order, Respondent shall pay one-half of the COSTS of this matter in the amount of \$425.

5. Requests for pre-approval, proof of successful course completion, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's license (number 47498-90), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer

any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Robert Webster EK
A Member of the Board

2-2-2018
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSEPH L. BELL, SR.,
RESPONDENT.

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:

STIPULATION

0005609

Division of Legal Services and Compliance Case No. 16 REB 079

Respondent Joseph L. Bell, Sr. 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.

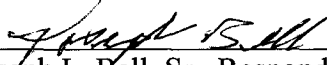
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Joseph L. Bell, Sr., Respondent
24608 State Road 35/70 N
Siren, WI 54872
License no. 47498-90

1-22-18

Date



Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1-25-2018

Date