

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROY A. BURLINGAME AND
FARM URBAN REALTY INC.,
RESPONDENTS.

:
:
:
:
:
:

FINAL DECISION AND ORDER

00056010

Division of Legal Services and Compliance Case No. 17 REB 014

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

Roy A. Burlingame
2809 E. Hamilton Ave., Ste. 114
Eau Claire, WI 54701

Farm Urban Realty Inc.
2809 E. Hamilton Ave., Ste. 114
Eau Claire, WI 54701

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 Roy A. Burlingame (DOB September 29, 1965) is licensed by the State of Wisconsin as a real estate broker, having license number 41838-90, first issued on May 26, 1987 and current through December 14, 2018. Respondent Burlingame's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2809 East Hamilton Avenue, Suite 114, Eau Claire, Wisconsin 54701.

2. Respondent Farm Urban Realty Inc. is licensed by the State of Wisconsin as a real estate business entity, having license number 836015-91, first issued on July 20, 2006 and current through December 14, 2018. Respondent Farm Urban Realty Inc.'s most recent address on file with the Department is 2809 East Hamilton Avenue, Suite 114, Eau Claire, Wisconsin 54701.

3. Respondent Burlingame is the owner and responsible broker for Respondent Farm Urban Realty Inc.

4. On February 21, 2013, the Board reprimanded Respondents and assessed a \$3,000 forfeiture against Respondent Burlingame for practicing without a license, trust account violations, and practicing real estate through an entity that was not licensed in violation of Wis. Stat. § 452.03, Wis. Admin. Code §§ REEB 18.033(2), 18.035(1) and (2) and 18.036(1). In addition, the Board limited Respondent Burlingame's license to require that he not hold client funds and complete six hours of education on the topics of trust accounts and ethics (Order No. 0002311).

5. On December 1, 2016, the Board reprimanded Respondents for failing to provide brokerage services with reasonable skill and care, failing to disclose in writing the possibility of material adverse facts, and aiding or abetting the above violations in violation of Wis. Stat. § 452.133(1)(b) and Wis. Admin. Code §§ REEB 24.07(3) and 24.17(3) (Order No. 0005051).

6. On February 13, 2017, the Department received a complaint alleging that Respondents were sending email advertisements that were noncompliant with Board rules. Division of Legal Services and Compliance Case No. 17 REB 014 was subsequently opened for investigation.

7. The email sent by Respondents, dated February 10, 2017, stated they sell timber property in Adams County and included the number of parcels, parcel size ranges, and price ranges available. The email further indicated that maps were available and interested individuals should call or text with any questions.

8. The text of the email failed to include Respondents' names.

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, Respondents violated Wis. Admin. Code § REEB 24.04(2)(a) by failing to disclose in all advertising the firm name exactly as printed on the licensed individual broker or the licensed broker business entity's license.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 24.04(2)(b) by failing to advertise in the name of the firm.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Roy A. Burlingame is REPRIMANDED.

3. Respondent Farm Urban Realty Inc. is REPRIMANDED.

4. Within 90 days from the date of this Order, Respondent Roy A. Burlingame shall pay one-half of the COSTS of this matter in the amount of \$178.

5. Within 90 days from the date of this Order, Respondent Farm Urban Realty Inc. shall pay one-half of the COSTS of this matter in the amount of \$178.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

7. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 41838-90 and 836015-91), or Respondents' right to renew their licenses, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Robert Webster EX
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

ROY A. BURLINGAME AND
FARM URBAN REALTY INC.,
RESPONDENTS.

:
:
:
:
:
:

STIPULATION

00056010

Division of Legal Services and Compliance Case No. 17 REB 014

Respondents Roy A. Burlingame and Farm Urban Realty Inc. 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.

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, 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.

Roy Burlingame
Roy A. Burlingame, Respondent
2809 E. Hamilton Ave., Ste. 114
Eau Claire, WI 54701
License no. 41838-90

12/4/2017

Date

Roy Burlingame
Farm Urban Realty Inc., Respondent
By: Roy A. Burlingame
2809 E. Hamilton Ave., Ste. 114
Eau Claire, WI 54701
License no. 836015-91

12/4/2017

Date

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

12.6.17

Date