

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

JAMES E. OLSZEWSKI,
RESPONDENT.

:
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:
:
:

FINAL DECISION AND ORDER

0005926

Division of Legal Services and Compliance Case No. 18 REB 028

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

James E. Olszewski
404 Black Oak Blvd.
Summerville, SC 29485-5838

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 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 James E. Olszewski (DOB 01/06/1973) is licensed by the State of Wisconsin as a real estate broker, having license number 51278-90, first issued on December 4, 2002 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 404 Black Oak Boulevard, Summerville, South Carolina 29485.

2. On March 19, 2018, the Department received a complaint against Respondent regarding mismanagement and commingling of client real estate funds in the amount of \$102,850.49. Respondent does not deny allegations of mismanagement and commingling in the

complaint. The Department subsequently opened Division of Legal Services and Compliance (DLSC) Case No. 18 REB 028 for investigation.

3. Respondent does not wish to contest DLSC Case No. 18 REB 028.
4. 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. Stat. § 452.133(1)(f) by failing to safeguard trust funds and other property held as required by rules promulgated under § 452.13(5).
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 18.10(1)(a) by commingling personal funds or other funds in the real estate trust account.
4. As a result of the above violations, James E. Olszewski is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (i).

ORDER

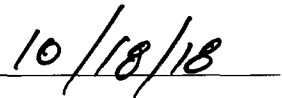
1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of Respondent James E. Olszewski's real estate broker's license (number 51278-90) is ACCEPTED.
3. This surrender constitutes Respondent's permanent relinquishment of his real estate broker license and his right to practice real estate 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 in the state of Wisconsin.
4. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES E. OLSZEWSKI,
RESPONDENT.

STIPULATION

0005926

Division of Legal Services and Compliance Case No. 18 REB 028

Respondent James E. Olszewski 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



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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.

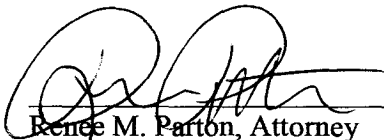
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



James E. Olszewski, Respondent
404 Black Oak Blvd.
Summerville, SC 29485-5838
License no. 51278-90

06-27-2018 7:25 AM PDT

Date



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

07/11/2018
Date