

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
ROBERTO FIGUEROA TORRES, :
RESPONDENT. : **ORDER 0007490**

Division of Legal Services and Compliance Case No. 18 REB 136

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

Roberto Figueroa Torres
Milwaukee, WI 53207

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 Roberto Figueroa Torres (Birth Year 1976) is licensed by the State of Wisconsin as a Real Estate Salesperson, having license number 83955-94, first issued on April 19, 2017 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Milwaukee, Wisconsin.

2. On November 27, 2018, the Department received a complaint from J.D., a licensee who represented the sellers in a transaction in which Respondent represented potential buyers.

3. Respondent and J.D. and their clients executed an Offer to Purchase on November 5, 2018. Respondent scheduled a home inspection for November 12, 2018.

4. J.D. stated, "When follow up was made after inspection, I was told all went well." J.D. later found out that the buyers never showed up for the inspection.

5. On November 26, 2018, J.D. again contacted Respondent and at that time Respondent told her that he had been unable to contact the buyers and that they would no longer be purchasing the property.

6. On March 18, 2019, the Department emailed Respondent and requested a response to the complaint along with his entire transaction file. Respondent sent in his response on March 25, 2019. The response included only a partial transaction file. The documents contained limited correspondence between Respondent and J.D. and did not include any correspondence with the buyers.

7. On May 7, 2019, the Department emailed Respondent and again requested the entire transaction file, including all correspondence between him and the buyers. Respondent replied on May 14, 2019 that he had changed his cell phone and he lost a lot of texts, but he was working on gathering everything to send to the Department.

8. On December 11, 2019, having not received a response from the Respondent to the May email, the Department contacted Respondent again by email and requested the correspondence between him and the buyers. Respondent replied the same day and provided some text messages between himself and the buyers.

9. In a text dated November 30, 2018, one of the buyers stated, "This should have been canceled the day that we said we could not afford payment."

10. On the WB-11 Offer to Purchase form that Respondent drafted for the buyers, he failed to indicate which party he was representing on lines 1 and 2 of the form.

11. In his written response to the complaint, Respondent stated that he scheduled the home inspection, but the buyers decided to reschedule it. On the rescheduled date, neither the inspector nor the buyers showed up. He called the inspector, who told him that the buyers had cancelled it.

12. Respondent stated that he told J.D. that the inspection needed to be rescheduled. He did not tell J.D. that he could not locate the buyers.

13. Respondent stated that he attempted to contact the buyers multiple times, even after the earnest money deadline passed. Respondent stated that since the buyers did not comply with the earnest money terms, he assumed the buyers were out of the contract.

14. 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 Roberto Figueroa Torres violated Wis. Stat. § 452.133(1)(a), pursuant to § 452.133(4m)(a), by failing to provide brokerage services honestly and fairly
3. By the conduct described in the Findings of Fact, Respondent Roberto Figueroa Torres violated Wis. Stat. § 452.133(1)(b), pursuant to § 452.133(4m)(a), by failing to provide brokerage services with reasonable skill and care.
4. By the conduct described in the Findings of Fact, Respondent Roberto Figueroa Torres violated Wis. Admin. Code § REEB 24.17(5) by failing to respond to the department and the board regarding a request for information within 30 days of the date of the request.
5. 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. Respondent Roberto Figueroa Torres is REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent Roberto Figueroa Torres (license no. 83955-94) shall pay COSTS of this matter in the amount of \$928.
4. 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's license (no. 83955-94), 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

28 July 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROBERTO FIGUEROA TORRES,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007490

Division of Legal Services and Compliance Case No. 18 REB 136

Respondent Roberto Figueroa Torres 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.

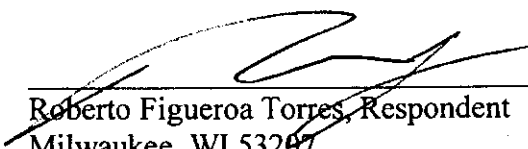
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

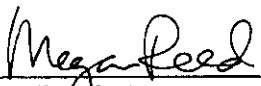
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Roberto Figueroa Torres, Respondent
Milwaukee, WI 53207
Credential No. 83955-94

04/14/2021

Date



Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

04/15/2021

Date