

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

WILL J. SHERARD, :  
RESPONDENT. :

FINAL DECISION AND ORDER  
91 REB 196

-----  
The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Will J. Sherard  
2233 W. Capitol Drive  
Milwaukee, WI 53206

Wisconsin Real Estate Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Will J. Sherard (D.O.B. January 1, 1941) is duly licensed in the state of Wisconsin as a real estate broker (license #14220). This license was first granted on August 16, 1963.
2. Will J. Sherard latest address on file with the Department of Regulation and Licensing is 2233 West Capitol Drive, Milwaukee, WI 53206.
3. That on or about March 6, 1992 in the Circuit Court for Milwaukee County, Will J. Sherard, hereinafter the Respondent, was convicted of seven counts of unfair residential rental practices in violation of Wisconsin law as charged in the Criminal Complaint dated December 16, 1991, said complaint being attached hereto and incorporated herein by reference as Exhibit A. The Judgment of Conviction, which includes sentencing, is attached hereto and incorporated herein by reference as Exhibit B.

4. Respondent failed to send to the department within 30 days after the Judgment of Conviction a copy of the complaint or other information which describes the nature of the crime and the Judgment of Conviction as required by RL 24.17(1) Wisconsin Administrative Code.

5. The circumstances of the conviction of 7 counts of unfair residential rental practices substantially relates to the practice of real estate.

6. Respondent's real estate broker's license expired on January 1, 1993 and has not been renewed.

#### CONCLUSIONS OF LAW

1. By the conduct described above, Respondent is subject to disciplinary action against his license to practice as a real estate broker in the state of Wisconsin, pursuant to Wis. Stats. sec. 452.14, and Wis. Adm. Code chapter 24.

2. The Wisconsin Real Estate Board is authorized to enter into the attached stipulation pursuant to section 227.44(5), Wisconsin statutes.

3. That Respondent Will J. Sherard by being convicted of the above crimes, the circumstances of which substantially relate to the practice of real estate, has violated RL 24.17(2) Wisconsin Administrative Code and has thereby demonstrated incompetency to act as a Real Estate Broker in such a manner as to safeguard the interests of the public under section 452.14(3)(i) Wisconsin statutes.

4. That Respondent Will J. Sherard by failing to report said conviction to the department within 30 days, has violated RL 24.17(1) Wisconsin Administrative Code and has thereby demonstrated incompetency to act as a broker in such a manner as to safeguard the interests of the public under section 452.14(3)(i) Wisconsin statutes.

#### NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The stipulation of the parties is accepted.

2: Respondent Will J. Sherard's right to renew his license (#14220) to practice as a real estate broker shall be, and hereby is, suspended for a period of six (6) months beginning the effective date of this order.

3. Respondent shall strictly comply with the terms of his court ordered probation (Exhibit B) for the length of his probationary period or be considered in violation of RL 24.17(1) Wisconsin Administrative Code and section 452.14(3)(i) Wisconsin statutes. Respondent agrees to further consent and authorize his probation agent to submit progress reports relating to his probation status to the department or Board, at either's request.

4. It is further ordered that investigative file 91 REB 196 be, and hereby is, closed.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective ten (10) days following the date of its signing.

WISCONSIN REAL ESTATE BOARD

By:   
A Member of the Board

Date 2/24/94

GMS:djm  
DOEATTY-glg61.doc

STATE OF WISCONSIN, Plaintiff

CRIMINAL COMPLAINT

VS.

WILL J. SHERARD  
d/b/a Sherard Realty Co.  
2233 W. Capitol Drive  
Milwaukee, WI 53206

DOB  
01/01/41

Defendant

CRIME OR VIOLATION:

Unfair Residential Rental Practices (7 Counts)

STATUTE OR ORDINANCE VIOLATED:

See Below

COMPLAINING WITNESS:

Marsha Benning

CASE NUMBER:

2-201750

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN

COUNT 1 Unfair Residential Rental Practice

On or about August 27, 1991, in Milwaukee County, being the landlord of a rental dwelling unit located at 2854 North 6th Street, City of Milwaukee, did engage in an unfair residential rental practice against Susie Green, to-wit: failed to disclose to Susie Green, the prospective tenant, that the heating facility was not capable of maintaining a temperature in the dwelling unit of at least 67 degrees Fahrenheit during the seasons of the year in which the dwelling unit might be occupied, contrary to Wis. Stat., sec. 100.20(2), as implemented by Adm. Code Ag. 134.04(2)(b)2, and Wis. Stat. sec. 100.26(3).

COUNT 2 Unfair Residential Rental Practice

On or about October 13, 1990, in Milwaukee County, being the landlord of a rental dwelling unit located at 3159A North 34 Street, City of Milwaukee, which dwelling unit had been condemned for human habitation on January 26, 1990, by the City of Milwaukee, did engage in an unfair residential rental practice against Mary Green, to-wit: did rent said condemned dwelling unit to Mary Green, contrary to Wis. Stats., sec. 100.20(2), as implemented by Adm. Code Ag. 134.09(1), and Wis. Stats., sec. 100.26(3).

COUNT 3 Unfair Residential Rental Practice

On or about August 19, 1991, in Milwaukee County, being the landlord of a rental dwelling unit located at 3159 North 34 Street, City of Milwaukee, which dwelling unit had been condemned for human habitation on January 26, 1990, by the City of Milwaukee, did engage in an unfair residential rental practice against Angela Jefferson, to-wit: did rent said condemned dwelling unit to Angela Jefferson, contrary to Wis. Stats., sec. 100.20(2), as implemented by Adm. Code Ag. 134.09(1), and Wis. Stats., sec. 100.26(3).

COUNT 4 Unfair Residential Rental Practice

On or about October 23, 1990, in Milwaukee County, being the landlord of a rental dwelling un located at 3159A North 34 Street, City of Milwaukee, did engage in an unfair residential rent practice against Mary Green, to-wit: failed to complete promised cleaning and repairs within th time period represented, contrary to Wis. Stats., sec. 100.20(2), as implemented by Adm. Cod Ag. 134.07(3), and Wis. Stats., sec. 100.26(3).

COUNT 5 Unfair Residential Rental Practice

On or about October 3, 1991, in Milwaukee County, being the landlord of a rental dwelling un located at 2839 and 2839A North 12 Street, City of Milwaukee, did engage in an unfa residential rental practice against Mary F. Gadson, to-wit: failed to disclose all uncorrecte building code violations to Mary F. Gadson, the prospective tenant, contrary to Wis. Stats., sec 100.20(2), as implemented by Adm. Code Ag. 134.04(2)(a), and Wis. Stats., sec. 100.26(3)

COUNT 6 Unfair Residential Rental Practice

On or about October 3, 1991, in Milwaukee county, being the landlord of a rental dwelling un located at 2839 and 2839A North 12 Street, City of Milwaukee, did engage in an unfa residential rental practice against Mary F. Gadson, to-wit: failed to disclose to Mary F. Gadsor the prospective tenant, that said rental dwelling unit lacked hot running water, contrary to Wi: Stats., sec. 100.20(2), as implemented by Adm. Code Ag. 134.04(2)(b)1 and Wis. Stats., sec 100.26(3).

COUNT 7 Unfair Residential Rental Practice

On or about October 3, 1991, in Milwaukee County, being the landlord of a rental dwelling un located at 2839 and 2839A North 12 Street, City of Milwaukee, did engage in an unfa residential rental practice against Mary F. Gadson, to-wit: failed to disclose to Mary F. Gadsor the prospective tenant, that the heating facility was not capable of maintaining a temperature i the dwelling unit of at least 67 degrees Fahrenheit during the seasons of the year in which th dwelling unit might be occupied, contrary to Wis. Stats., sec. 100.20(2), as implemented by Adn Code Ag. 134.04(2)(b)2, and Wis. Stats., sec. 100.26(3).

PENALTIES AS TO COUNTS 1 THROUGH 7

Upon conviction of the counts set forth above in Counts 1, 2, 3, 4, 5, 6, and 7, the defendar may be fined not less than \$25 nor more than \$5,000, or be imprisoned in the County Jail for n more than one year, or both, as to each separate count.

Complainant states that she is an investigator for the Wisconsin Department of Agriculture, Trad and Consumer Protection, and makes this complaint upon the following information, all of whic she believes to be truthful and reliable, to-wit:

AS TO COUNT 1

1. Upon the statement of adult citizen Susie Green that on or about August 27, 1991, she met with defendant at his office, Sherard Realty Co., in Milwaukee, to discuss and find a housing unit to rent for herself and grandchildren; she said that defendant showed her a house he had for rent located at 2854 North 6th Street, City and County of Milwaukee, Wisconsin; that defendant showed her the main living area, but did not take her into the basement for her inspection; she said that defendant did not disclose to her in any manner that the furnace was broke, in need of repair, and not in an operating condition; that she did in fact rent the above-described dwelling unit from defendant on August 27, 1991, and paid to him the sum of \$345 for the first month's rental and the additional sum of \$345 as and for the security deposit; she stated that she and her family moved into said premises and that she called the Gas Company in order to have the gas turned on, but when the Gas Company came, the service man said that while he could turn on the hot water, he could not and would not connect any gas to the furnace because it was missing parts and had to be repaired before any gas could safely be connected to it in order to make it operational; Susie Green said that she called defendant right after the Gas Company left and told him what the Gas Company man told her and defendant told her he would take care of it, but by the time of October 2, 1991, he had not done so; she said that when the weather turned colder, and the furnace still unrepaired and not working, the only way she could get some heat into the house to warm herself and grandchildren was by lighting the cooking stove to generate some heat. She said she called defendant about the furnace several times without results.

2. Upon Complainant's personal observation on October 2, 1991, when at the aforesaid home of Susie Green, that the furnace was not working; Complainant observed that the furnace was old, rusty and had wires hanging out of it, and that there was no heat in the house.

AS TO COUNTS 2 and 3

3. Upon Complainant's review of an official Order of the City of Milwaukee Department of Building Inspection, issued and dated on January 26, 1990, condemning the housing structure located at 3159 and 3159A North 34 Street, City and County of Milwaukee, Wisconsin, and setting forth that said premises were unfit for human occupancy and use. Said Order set forth the following defects: exterior walls have missing or broken siding; gutters and downspouts are in poor condition and have missing sections; exterior stairs and porches are in poor condition with deteriorated structural members; door and windows are broken or missing, and heating and plumbing have been vandalized and are inoperative.

4. Upon Complainant's review of a letter written by a Milwaukee attorney, William Hammett, to the City of Milwaukee Department of Building Inspection, dated August 15, 1990, which reflects that defendant's offer to purchase the above-described condemned property (3159 and 3159A North 34 Street, Milwaukee) for \$710 was accepted; said letter is part of the public records kept by the City of Milwaukee Department of Building Inspection.

5. Upon Complainant's review of an official application for permit to repair condemned building located at 3159 North 34 Street, City of Milwaukee, dated October 1, 1990, and signed by defendant as applicant, wherein defendant sought approval from the City of Milwaukee Department of Building Inspection to rehabilitate the aforesaid premises in accordance with

condemnation order issued on January 26, 1990; upon Complainant's further review of said Building Inspection Department's records which reflect that defendant was granted a permit repair on October 30, 1990, Number 63624.

6. Upon a statement by adult citizen Mary Green (Count 2) that early in October, 1991, she went to Sherard Realty and learned that a rental unit at 3159 North 34 Street, City and County of Milwaukee, State of Wisconsin, was for rent. She said that defendant told her he would make certain repairs and she agreed to rent the unit; on October 13, 1991, she entered into a rental agreement with defendant and paid to him the sum of \$295 for the first month's rent and \$100 toward a security deposit, for rental of the above-described premises; she stated that at no time did defendant ever tell her that said premises were condemned by the City of Milwaukee and were not fit for human occupancy.

7. Upon a statement by adult citizen Angela Jefferson (Count 3) that on August 19, 1991, she paid defendant a total of \$590 for rent and security deposit for rental by him to her of premises located at 3159 North 34 Street, City and County of Milwaukee, State of Wisconsin; she stated that at no time did defendant ever tell her that said premises had been condemned by the City of Milwaukee and were not fit for human occupancy or use; she said that among other problems, the toilet leaked, the toilet tank was loose, there were wires hanging down from the ceiling, a hole under the bathtub, rotten carpeting, and no hot water; she stated that on the same day, after she paid defendant the rental money, she learned that the City of Milwaukee had taken title to said property and that defendant was no longer entitled to collect rent.

8. Upon a statement to Complainant by adult citizen Lowell John that he is a condemnation inspector for the City of Milwaukee Department of Building Inspection, and that once a structure has been officially condemned by his department, it remains in a condemned status until it is repaired or fully repaired and inspected pursuant to a permit to rehabilitate; he stated that the property at 3159 North 34 Street, described above, was never removed from its condemnation status.

#### AS TO COUNT 4

9. Upon the further statement of adult citizen Mary Green that on October 13, 1990, prior to her renting the above-described rental unit located at 3159A North 34 Street, Milwaukee (described above in Count 2), from the defendant, she discussed with defendant the need for certain repairs, in particular, that storm windows be furnished, the carpeting needed cleaning and the medicine cabinet was broke; she stated that defendant promised and assured her that prior to her moving in, storm windows would be furnished, the carpet cleaned and the medicine cabinet repaired; she said that believing defendant would keep his promises, she rented said unit from defendant as stated above in Count 2. She said that she moved into said rental unit on October 22, 1990, and that no repairs or cleaning had been done and that no storm windows had been provided; she stated that she called defendant to complain, but that he never made any repairs or provided storm windows as he initially promised.

#### AS TO COUNTS 5, 6, and 7

10. Upon Complainant's review of an Order to Correct Condition of Premises located at 2839 North 12 Street, City and County of Milwaukee, State of Wisconsin, issued to defend



on June 17, 1991, by the City of Milwaukee Department of Building Inspection; said order set forth approximately 58 separate repairs to be made to said premises.

11. Upon complainant's review of a Chronological Record of Enforcement kept by the City of Milwaukee's Department of Building Inspection for the aforesaid structure located at 2839 North 12 Street, Milwaukee, which reflects that on October 3, 1991, City of Milwaukee building inspector Richard Gay met with defendant at said property and that there were still four repair orders outstanding and uncorrected by defendant.

12. Upon the statement of adult citizen Mary F. Gadson that she and her daughter were driving around looking for a house to rent and that she saw a "For Rent" sign posted on the above described premises (2839 North 12 Street, Milwaukee), and a man outside in front; that she stopped and the man said the house was for rent. She said that on the next day, October 3, 1991, she met defendant at his office and she did rent said premises (both lower and upper units) from defendant, paying to him at said time a total of \$1,109; \$509 for security deposit and \$600 for the first month's rent. She said that she and her family moved into both units on October 4, 1991, and discovered that the house had no water; that she immediately went to defendant's office and he stated that he would have the water turned on right away, but that it was not until several days later that they finally had water service at said premises; she stated that on October 4, 1991, at her request, the Gas Company came but the service man told her he could not light the hot water tank because it did not contain any water; she said that on October 8, 1991, the Gas Company came again but could not turn on the gas because the house had no gas meter, the furnace was in need of repair and the boiler to the furnace had no water in it; she said the defendant was contacted again about these problems on October 8, 1991, and he promised the repairs would be made; Gadson said that it was about two weeks before the repairs were finally made and that during that period she and her family had no heat in the house and no hot water for washing or cleaning; she also stated that when she rented the house from defendant that he did not disclose to her that there were outstanding building repair orders, nor did he disclose to her that there was no water, no heat, or that the furnace was not in an operating condition.


AS TO ALL COUNTS

13. Complainant states that all records of the City of Milwaukee Department of Building Inspection referred to in this complaint are public records kept by said public agency in the regular course of its agency business.

\*\*\*\*END OF COMPLAINT\*\*\*\*

SUBSCRIBED AND SWORN TO BEFORE ME  
AND APPROVED FOR FILING 12/16/91

  
DEPUTY/ASST. DISTRICT ATTORNEY

  
COMPLAINING WITNESS

State of Wisconsin, Plaintiff

-vs-

Will Sheppard, Defendant  
1-1-41  
Defendant's Date of Birth

JUDGMENT OF CONVICTION  
 Sentence to Wisconsin State Prisons  
 Sentence Withheld, Probation Ordered  
 Sentence Imposed & Stayed, Probation Ordered  
COURT CASE NUMBER 2-201750

The defendant entered plea(s) of:  Guilty  Not Guilty  No Contest

The  Court  Jury found the defendant guilty of the following crime(s):

| CRIME(S)                                    | WIS STATUTE(S) VIOLATED | FELONY OR MISDEMEANOR (F OR M) | CLASS (A-E) | DATE(S) CRIME COMMITTED |
|---|-------------------------|--------------------------------|-------------|-------------------------|
| Unfair Residential Rental Practices (7 cts) | see complaint attached  | M                              |             | see complaint attached  |

The defendant is convicted on 6 day of Mar 19 92  
The defendant is sentenced on 6 day of Mar 19 92

IT IS ADJUDGED that the defendant is convicted as found guilty, and:

is sentenced to the Wis. prison for HOC for 4 mos Huber ea. ct. consecutive  
 is placed on probation for 2 yrs ea. ct. concurrent  
 is to pay:

fine of ..... \$ .....  
attorney fees of .....  
court costs of ..... 40.00  
restitution of .....  
TOTAL \$ .....

Report from Prob. Agent needed by 9-16-92 re: dept compliance in Br. 41

is to pay mandatory victim/witness surcharge(s):  
felony \_\_\_\_\_ counts ..... \$ .....  
misdemeanor \_\_\_\_\_ counts seven .....  
TOTAL \$ .....

is to be incarcerated in the County Jail: HOC on ct. one only  
period of ..... five (5) months .....  
and first 30 days to be served ASAP  
balance stayed to Sept. 21, 1992

is granted work/study release privileges.  
 other: 1) conform w/all bldg. codes + housing regulations  
2) Not rent properties that would be in violation of either

IT IS ADJUDGED that 0 days sentence credit are due pursuant to s. 973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of Milw. WI

|                      |                         |
|----------------------|-------------------------|
| NAME OF JUDGE        | <u>John DiMotto</u>     |
| PLAINTIFF'S ATTORNEY | <u>Darryl Hevers</u>    |
| DEFENSE ATTORNEY     | <u>Hazel Washington</u> |

BY THE COURT:  
Ruby Distinsky  
Circuit Court Judge/Clerk/Deputy Clerk  
36-92 J  
Date Signed

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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|                               |   |             |
|-------------------------------|---|-------------|
| IN THE MATTER OF DISCIPLINARY | : |             |
| PROCEEDINGS AGAINST           | : |             |
|                               | : | STIPULATION |
| WILL J. SHERARD,              | : | 91 REB 196  |
| RESPONDENT.                   | : |             |

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It is hereby stipulated between Will J. Sherard, personally on his own behalf and Gerald M. Scanlan, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Will J. Sherard's licensure by the Division of Enforcement. Will J. Sherard consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Will J. Sherard understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

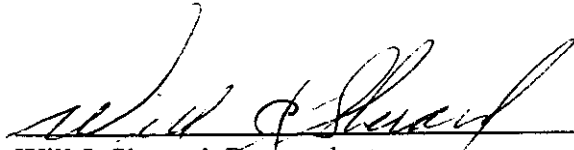
3. Will J. Sherard is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this Stipulation.

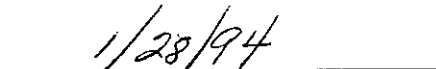
4. Will J. Sherard agrees to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

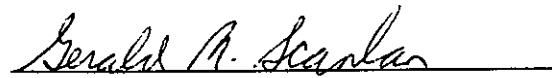
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

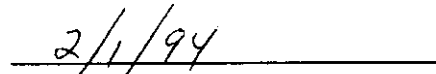
6. The parties to this Stipulation agree that the attorney for the Division of Enforcement and the member of the Real Estate Board assigned as an advisor in this investigation may appear before the Real Estate Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

7. The Division of Enforcement joins Will J. Sherard in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Will J. Sherard, Respondent

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Gerald M. Scanlan, Attorney  
Division of Enforcement

  
\_\_\_\_\_  
Date

GMS:pw  
ATY-ELG122

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN REAL ESTATE BOARD

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1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

FEBRUARY 28, 1994

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### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)