

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
VELMA WILLIAMS : 96 REB 143
 :
RESPONDENT. :

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

Velma Williams
PO Box 1148
Adams, WI 53910

Wisconsin Real Estate Board
PO Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

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 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. Velma Williams, PO Box 1148, Adams, WI 53910, is a real estate broker having State of Wisconsin license #43071, which was originally granted to Williams on September 4, 1987. Williams currently is self employed as a real estate broker, also known as Century 21 Williams Real Estate Services. Williams became self employed as a real estate broker, said employment commencing on or about November 25, 1991. Williams became also known as Century 21 Williams Real Estate Services commencing on or about January 1, 1995.

2. On March 21, 1995 Velma Williams returned Auditor Jeanne Pegelow's telephone call regarding scheduling an audit. Williams stated that her books were not up-to-date and requested additional time to make records current.

FINDINGS OF FACT
96 REB 143

3. On June 22, 1995 Auditor Pegelow telephoned Williams to schedule an audit. Williams again stated that her books were not up-to-date. Williams admitted that she maintained only the checkbook register. Williams admitted that she did not maintain a journal or ledger. Williams explained that when she began operations in October, 1991, she did maintain a journal and ledger, but had become too busy to maintain them. Pegelow explained the bookkeeping requirements and sent examples to Williams. Williams was instructed to recreate her books by August, 1995.

4. On August 10, 1995, Auditor Pegelow met with Williams to perform an audit. At that time, it was evident that Williams had not recreated her books. Williams did maintain a check register from November 20, 1991 to June, 1992. This was the only book with a running balance.

5. On August 10, 1995, Auditor Pegelow issued Williams a 344 Form, "Description of Violations of Statute or Code Sections". Williams was cited for failure to maintain a journal on a daily basis (to include deposits, checks, and running balance for the account as a whole), failure to maintain a daily ledger for each individual transaction (to include deposits, checks, and running balance per transaction), failure to perform monthly written bank reconciliations, and failure to maintain monthly written trial balances. These records have not been adequately maintained since November, 1991. Williams was given until September 22, 1995, to bring her records up-to-date. Williams signed the 344 form on August 10, 1995.

6. On November 21, 1995, Auditor Pegelow met with Williams to perform a follow up audit. At that time, Auditor Pegelow issued Williams a 344 Form, "Description of Violations of Statute or Code Sections". Williams was cited for improper disbursements for failure to return \$100 in trust funds to Crary in a 1993 transaction, \$100 to Wallendal in 1993, \$100 to Alexander in 1993, \$50 to Bagnek in 1993, \$156 to Jirikowic 1994, and \$100 to Block in 1994.

7. On November 21, 1995, Auditor Pegelow issued Williams a 344 Form for making improper disbursements. Auditor Pegelow discovered that the trust account demonstrated a shortage of \$848.43 due to eighteen improper disbursements and failure to replace three overdraft charges. Auditor Pegelow gave Williams until mid January, 1996, to replace the trust fund shortage. Williams signed the 344 form on November 21, 1995.

8. On January 11, 1996, Williams made a verified deposit of \$848.43 into her trust account.

9. On February 16, 1996, Auditor Pegelow met with Williams to perform a follow up audit. Williams record keeping was verified as correct, and disbursements in the amount of \$606 were made to return the trust funds as cited on the follow up audit conducted on November 21, 1995.

FINDINGS OF FACT
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CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent Velma Williams has violated:

Section RL 18.09, RL 18.10 and RL 18.13 (1)(2)(3)(4)(5) of the Wisconsin Administrative Code and Section 452.14(3) of the Wisconsin Statutes by failing to maintain a daily journal and ledger, and monthly bank reconciliations and trial balances since November, 1991; by failing to properly disburse moneys to 6 individuals; by creating a shortage in the trust account due to eighteen improper disbursements and failure to replace three overdraft charges.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent Velma Williams, real estate broker license #43071 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Velma Williams, within six months of the date of this Order, successfully complete the following course module from the real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

a. The 5 hour real estate education pertaining to trust accounts, escrows, and closing statements module RL 25.02(c),

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, PO Box 8935, Madison, WI 53708-8935, within seven months from the date of this Order. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

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IT IS FURTHER ORDERED, that in the event Respondent Velma Williams fails to comply with the required education as set forth above within six months of the date of this Order, or fails to verify the same within seven months of the date of this Order to the Department of Regulation and Licensing as set forth above, then her real estate broker's license #43071 shall be suspended, without further notice, hearing or order of the Board until she has complied with the terms of this Order.

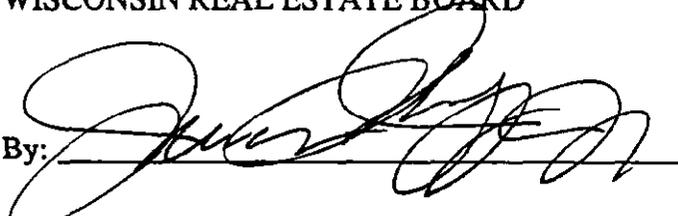
IT IS FURTHER ORDERED, that Respondent Velma Williams pay partial costs of this matter in the amount of \$500.00 on or before December 31, 1996 by making payment of the same to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Velma Williams fails to pay the \$500.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Velma Williams, her real estate broker's license #43071 shall be immediately suspended, without further notice, hearing or order of the Board, and said suspension shall continue until she has complied with the terms of this Order and her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that investigative file # 96 REB 143 be, and hereby is, closed.

Dated this 12th day of APR, 1996.

WISCONSIN REAL ESTATE BOARD

By: 

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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
VELMA WILLIAMS	:	96 REB 143
	:	
RESPONDENT.	:	

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file 96 REB 143. VELMA WILLIAMS ("Respondent") consents to the resolution of this matter by this Stipulation and the attached Final Decision and Order.

2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent has had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.

4. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

5. With respect to the attached Final Decision and Order, Respondent neither admits nor denies the facts as set forth in the Findings of Fact, however, Respondent agrees that the Board may make the Findings of Fact and may reach the Conclusions set forth in the Conclusions of Law and may enter the Order attached hereto.

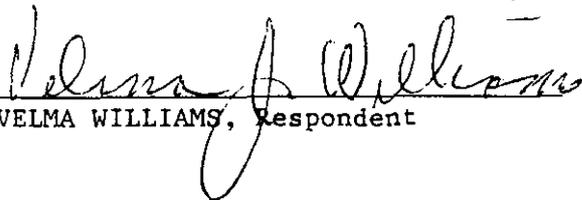
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation 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.

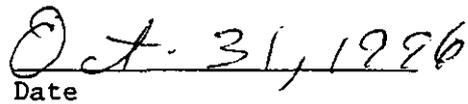
Stipulation
96 REB 143

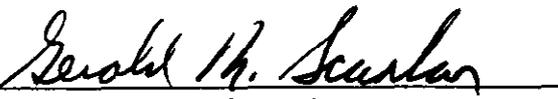
7. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

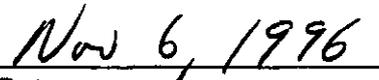
8. Respondent agrees that Complainant's attorney, Gerald M. Scanlan, may appear at any meeting of the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondent waives any right she may have to have notice of that meeting and to be present at the meeting of the Board.

9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


VELMA WILLIAMS, Respondent


Date


Gerald M. Scanlan, Attorney
Division of Enforcement


Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 -hearing or speech
TRS# 1-800-947-3529 -impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On December 12, 1996, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$500.00 Case #: 96REB143

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 300.00

The costs and/or forfeitures are due: January 11, 1997

NAME: Velma Williams LICENSE NUMBER: 43071

STREET ADDRESS: P.O. Box 1148

CITY: Adams STATE: WI ZIP CODE: 53910

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

For Receiving Use Only

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)
Ch. 440.22, Stats.
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Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Velma Williams,

AFFIDAVIT OF MAILING

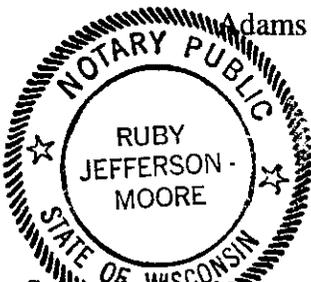
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On December 16, 1996, I served the Final Decision and Order dated December 12, 1996 and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Velma Williams by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 295.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Velma Williams
PO Box 1148
Adams WI 53910



Subscribed and sworn to before me

this 12th day of December, 1996.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

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:

STATE OF WISCONSIN REAL ESTATE BOARD

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

The Date of Mailing this Decision is:

December 16, 1996

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.)