

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

LACINDA G. GERKE

RESPONDENT.

FINAL DECISION AND ORDER

99 REB 093

LS9909231REB

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

*Lacinda G. Gerke
1005 Clifford Ln.
La Crosse, WI 54601*

*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 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. **Lacinda G. Gerke** ("Gerke"), date of birth 11/18/50, is licensed in the State of Wisconsin as a real estate broker having license # 90-38366. This license was first granted to her on 7/22/86. Gerke's most recent address on file with the Department of Regulation and Licensing is 1005 Cliffwood Ln. La Crosse, WI 54601.

2. At all times relevant to the facts set forth herein Gerke was the supervising broker/owner of, Cindy Gerke and Associates Inc. located at 1283 CTH PH, Onalaska, WI 54650, license # 91 834616. Timothy L. Steinfadt was at all time relevant to the facts set forth herein employed as a real estate broker by Cindy Gerke and Associates Inc.

3. On or about January, 26, 1999, Ms. Tina Baumgartner contacted Gerke and requested that she perform a Fair Market Analysis for the home of her deceased parents located at Rt. 1 Box 207, Genoa, WI 54632. Ms. Baumgartner indicated that she was not going to put the house on the market right away but needed the Fair Market Analysis for estate purposes. A copy of the Fair Market Analysis is attached as **Exhibit 1** and is incorporated herein by reference.

4. On or about February 3, 1999, employee Timothy Steinfadt approached Gerke about the property located at Rt. 1 Box 207, Genoa, WI 54632, and asked if he could show the property as he had a potential buyer who were very interested in the property. Gerke indicated that the property was not listed as yet but would call Ms. Baumgartner and get permission for Steinfadt to show the property. Gerke phoned Ms. Baumgartner several times but could not reach her. After much persistence on the part of Steinfadt, Gerke allowed him to show the property without written authority from Ms. Baumgartner.

5. While Steinfadt was showing the property to his potential buyers he realizes that he is late for another appointment. Steinfadt leaves the premises but allows the buyers to remain on the property with the opportunity to walk through inside the home alone.

6. On or about March 23, 1999, the Department of Regulation and Licensing received a complaint from Ms. Baumgartner involving the showing of the property located at Rt. 1 Box 207, Genoa, WI 54632. In the complaint Ms. Baumgarten expressed concerns with potential buyers being left alone at the property with access to the inside of the house. A copy of Ms Baumgartner's complaint is attached as **Exhibit 2** and is incorporated herein by reference.

7. On or about May 4, 1999, the Department of Regulation and Licensing received a response from Gerke to the complaint that Ms Baumgartner forwarded the Department. Gerke indicated in her response that she made numerous attempts to contact Ms. Baumgartner on February 3, 1999, trying to obtain permission to show the property, but could not. Even though Gerke did not receive written permission from Ms. Baumgarten, she gave Steinfadt the keys to the Baumgartner's property and allowed him to show the property to his potential buyers. A copy of Gerke's response is attached as **Exhibit 3** and is incorporated herein by reference.

8. On or about June 24 1999, Steinfadt forwarded a response to Baumgartner's complaint to the Department of Regulation and Licensing. Steinfadt indicated that he did leave his potential buyers alone to lock up the Baumgartner's property on February 3, 1999, as he was running late for an appointment. A copy of the Steinfadt's response is attached as **Exhibit 4** and is incorporated herein by reference.

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 **Lacinda G. Gerke** has violated:
 - a. Wis. Adm. Code secs. RL 17.08(1), RL 24.025(2), RL 24.08, and RL 24.17(3) and Wis. Stats. secs. 452.12(3)(a), 452.135(1), 452.14(3)(i), and 452.14(3)(L) by providing brokerage services to a client or a customer without an agency agreement authorizing those brokerage services, and for failing to adequately supervise the activities of broker Timothy L. Steinfadt regarding the showing of the Baumgarten property.

ORDER

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

IT IS FURTHER ORDERED, that **Lacinda G. Gerke's**, license No. 90 38366 be, and hereby is, **Reprimanded**.

IT IS FURTHER ORDERED, that Respondent **Lacinda G. Gerke**, pay partial costs of this matter in the amount of \$300.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Lacinda G. Gerke** fails to pay the \$300.00 partial costs within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **Lacinda G. Gerke**, her real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 99 REB 093 be, and hereby is, closed.

Dated this 23rd day of September, 1999.

WISCONSIN REAL ESTATE BOARD

By: James A. Imhoff, Jr.

A member of the Board