

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

MOSINEE REALTY INC., and:

ALICE M. YODER WHITMORE,

RESPONDENTS.

FINAL DECISION AND ORDER

99 REB 252

LS0001274REB

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

*Mosinee Realty Inc.
307 Water St.
Mosinee, WI 54455*

*Alice M. Yoder Whitmore
202 Water St.
Mosinee, WI 54455*

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

*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. **Mosinee Realty Inc.** ("Mosinee"), is a Wisconsin Real Estate Corporation having license #91 834678. This license was first granted to it on 03/01/95. Mosinee's most recent address on file with the Department of Regulation and Licensing is 307 Water St., Mosinee, WI 54455.
2. **Alice M. Yoder Whitmore** ("Yoder Whitmore"), date of birth 4/13/37, is licensed in the State of Wisconsin as a real estate broker having license # 90 29055. This license was first granted to her on 6/27/83. Yoder Whitmore's most recent address on file with the Department of Regulation and Licensing is 202 Water St., Mosinee, WI 54455.
3. Yoder Whitmore is the president of Mosinee, and was the broker delegated supervisory responsibility of the real estate trust account at Mosinee.

4. On or about August 13, 1999, an auditor with the Department of Regulation and Licensing, conducted a compliance audit of Mosinee's Real Estate Trust Account. The auditor found errors in the real estate trust account. The auditor detailed these errors by completing Department form #344. A copy of this form is attached hereto as **Exhibit A** and is hereby incorporated into this document.

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 **Mosinee Realty Inc. has violated:**

a. Sections RL 18.13(2), RL 18.13(4) and RL 18.13(5) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by failing to maintain a required ledger from August 1995 to present, and failing to do required monthly account trial balances and validations.

4. Respondent **Alice M. Yoder Whitmore** has violated:

a. Sections RL 18.13(2), RL 18.13(4) and RL 18.13(5) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by failing to maintain a required ledger from August 1995 to present, and failing to do required monthly account trial balances and validations.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Alice M. Yoder Whitmore**, license #90-29055, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Alice M. Yoder Whitmore**, within six months of the date of this Order, successfully complete the following course module from the 36 hour pre-licensing real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

a. The five-hour Trust Accounts, Escrow, Closing Statement module set forth in section RL 25.02(2)(c), of the Wisconsin Administration Code.

and submit proof of the same to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935, in the form of verification from the institution providing the education. 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.

IT IS FURTHER ORDERED, that in the event Respondent **Alice M. Yoder Whitmore**, fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Alice M. Yoder Whitmore, her real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board.

IT IS FURTHER ORDERED, that Respondent **Alice M. Yoder Whitmore**, 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 **Alice M. Yoder Whitmore**, fails to pay the \$300.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Alice M. Yoder Whitmore, 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 her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Mosinee Realty Inc.**, license # 91 834678, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that file 99 REB 252 be, and hereby is, closed.

Dated this 27th day of January, 2000.

WISCONSIN REAL ESTATE BOARD

By: James Imhoff, Jr.

A member of the Board