

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN**

**BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF THE DISCIPLINARY**

**PROCEEDINGS AGAINST:**

**DON LEE REALTY INC., and DANIEL F. LEE, FINAL DECISION AND ORDER**

**RESPONDENTS**

**LS0012071REB**

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

Don Lee Realty Inc.,

P.O. Box 219

Portage, WI 53901

Daniel F. Lee

W8904 Dupless Road

Portage, WI 53901

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. Don Lee Realty Inc., (Realty) is licensed in Wisconsin as a real estate corporation having license # 91-21107. This license was first granted to it on January 1, 1979. The most current address on record at the Department of Regulation and Licensing for this corporation is PO Box 219, Portage, WI 53901.
2. Daniel F. Lee (Lee) is licensed as a real estate broker in Wisconsin having license 90-30413. This license was first granted to him on January 1, 1979. The most current address on record at the Department of Regulation and Licensing for Lee is W8904 Dupless Road, Portage, WI 53901.
3. At all times material hereto, Lee was the President of Realty.

4. James P. Vilstrup ("Vilstrup") is licensed in the State of Wisconsin as a real estate broker having license # 90-40387. This license was first granted to him on March 20, 1987. The most current address on record at the Department of Regulation and Licensing for Vilstrup is N7542 Turtle Trl, Pardeeville, WI 53954. Vilstrup served as the manager of Realty's branch office in Pardeeville.

5. At all times material hereto, Vilstrup was employed as a real estate broker by Realty and supervised by Lee.

6. On January 1, 1997, Vilstrup's real estate license expired and was not again renewed until January 2000.

7. Vilstrup continued to engage in the practice of real estate under the supervision of Lee during the time that he was not licensed to do so.

8. There is no evidence that Vilstrup's failure to renew effective January 1, 1997, was other than inadvertent or that there was any intent on the part of Vilstrup, Lee or Realty knowingly to violate the law.

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 of the Wisconsin Statutes.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to section 227.44(5) of the Wisconsin Statutes.

3. Respondent **Don Lee Realty Inc.**, license 91-21107 has violated:

a. Sections 452.03, 452.12(3) and 452.13(4)(L) of the Wisconsin Statutes by conducting real estate brokerage activities in the state of Wisconsin through an unlicensed person.

4. Respondent **Daniel F. Lee**, license 90-30413 has violated:

a. Sections RL 17.07 and 17.08 of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by failing to properly supervise the brokerage activities of James P. Vilstrup.

### ORDER

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

IT IS FURTHER ORDERED that the real estate license of Respondent DON LEE REALTY INC., license # 91-21107, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that the real estate license of Respondent DANIEL F. LEE, license # 90-30413, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent DANIEL F. LEE, license #90-30413, within six months of the date of this Order, successfully complete the following course module from the 36 hour real estate broker's prelicensing course, as set forth in Chapter RL 25.02(2) of the Wisconsin Administrative Code, and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, Wisconsin 53708-8935:

RL 25.02(2)(f) Personnel.

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 DANIEL F. LEE, 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 DANIEL F. LEE, his 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 DON LEE REALTY INC., pay partial **COSTS** of this matter in the amount of \$250.00 within thirty (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 DON LEE REALTY INC, fails to pay costs of \$250.00 within the time and in the manner as set forth above, then its real estate license shall be suspended, without further notice,

hearing or 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 347 be, and hereby is, closed as to respondents Don Lee Realty Inc., and Daniel F. Lee.

Dated this 7<sup>th</sup> day of December, 2000.

**WISCONSIN REAL ESTATE BOARD**

James Imhoff, Jr.

A member of the Board