

# 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** :  
 : **FINAL DECISION AND ORDER**  
 :  
**DOROTHY A. SHASKE.** : **LS0702224REB**  
**RESPONDENT.** :  
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[Division of Enforcement Case File #: **04 REB 098**]

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Dorothy A. Shaske  
W2939 County Road FF  
Sheboygan, WI 53083

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

**PROCEDURAL HISTORY**

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 Wisconsin Real Estate Board (“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. Dorothy A. Shaske d/b/a Advantage Realty (“Respondent”), date of birth 09/19/51, is licensed in the State of Wisconsin as a real estate broker having license #90-22389. This license was first granted on 07/23/79.
2. Respondent’s last reported address on file with the Department of Regulation and Licensing (“Department”) is: W2939 County Road FF, Sheboygan, Wisconsin 53083.
3. At all times relevant to the facts stated below, the Respondent was employed as a real estate broker at Advantage Realty, having license #91 834488 (granted: 12/10/93; expired: 12/31/98). The last reported address on file for this license number was: 1119 North Eighth Street, Sheboygan, Wisconsin 53081.
4. On or about April 15, 2004 the Department received a consumer complaint alleging that the Respondent had taken her commission out of an option fee, even though the option fee was never exercised.

5. On or about August 9, 1995, the Respondent drafted a WB-15 Commercial Offer to Purchase for commercial property located at 1209 South Park Street, Chilton, Wisconsin (“Property”). The offered price was \$89,875.00 with \$10,000 earnest money to accompany the Offer to Purchase. Lines 143-145 identified Marion and John Bieck as the buyers (“Buyers”) of the Property and line 150-153 identified Dennis and David Bennin as the sellers (“Sellers”) of the Property. The Sellers accepted and signed the Offer to Purchase on August 14, 1995. A copy of the Commercial Offer to Purchase is attached as **Exhibit 1** and is incorporated herein by reference.

6. On or about August 18, 1995, the Respondent drafted a WB-24 Option to Purchase for the Property. The price remained at \$89,875.00 and included an option fee of \$10,000.00. Lines 26-27 of the Option to Purchase stated that the \$10,000.00 option fee shall be payable upon execution of the option to purchase the property, and shall not be refundable if the option is not exercised. Lines 28-30 of the Option to Purchase stated that the option must be exercised in writing on or before 23, 1997 by the mailing of notice by certified mail, etc. to the Seller. Both parties to the transaction signed the Option to Purchase August 22, 1995. A copy of the Option to Purchase is attached as **Exhibit 2** and is incorporated herein by reference.

7. An Attachment with two summaries outlining additional information relevant to the purchase of the Property accompanied **Exhibit 2**. Relevant information contained in the Attachment specified that the Buyers of the Property would make monthly rental payments to the Sellers. The Attachment and summaries do not specify a time period of how long the Buyers will make rental payments to the Sellers. The Attachment and summaries do not specify who the responsible party will be for collecting rental payments. A copy of the Attachment and the two summaries to **Exhibit 2** is attached as **Exhibit 3** and are incorporated by reference.

8. Lines 66-67 of **Exhibit 1** identify the closing date for the Property as September 1, 1995. The Department’s investigation revealed the closing date for the Property took place on August 23, 1995. On or about August 23, 1995, the Seller paid the Respondent her commission, which included payment out of the Option to Purchase. The amount to be paid in commission to the Respondent was set forth in a WB-5 Commercial Listing Contract-Exclusive Right To Sell. A copy of the Listing Contract is attached as **Exhibit 4** and is incorporated herein by reference.

9. The Department’s investigation revealed that the Buyers made three monthly rental payments and escrows at the time of closing. The investigation further revealed that the Respondent began collecting monthly rental payments from the Buyers to be forwarded back to the Sellers on or around December 1, 2005. The Respondent would continue to collect monthly rental payments from the Buyers until April 24, 2001. All rental payments were forwarded to the Sellers by the Respondent.

10. After April 24, 2001, the Sellers began personally collecting rental payments from the Buyers. Some time in 2001, the Sellers evicted the Buyers from the Property because the Option to Purchase the Property had not been exercised by the Buyers.

11. At no time during this transaction did the Respondent reduce to writing an exact agreement that addressed her responsibilities in collecting rental payments from the Buyers.

12. At no time during this transaction did the Respondent reduce to writing an exact agreement that addressed her responsibilities in receiving payment or commission in the event that the Option to Purchase was not exercised.

13. In resolution of this matter, Dorothy A. Shaske consents to the entry of the following Conclusions of Law and (

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondent, Dorothy A. Shaske has violated:

Wis. Stat. § 452.14 (3)(i) and Wis. Admin. Code § RL 24.08 by failing to reduce to writing all

agreements and commitments in the above-noted real estate transaction.

**ORDER**

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

IT IS FURTHER ORDERED that the Respondent, license # 090-22389 be, and hereby is **REPRIMANDED**.

IT IS FURTHER ORDERED that Respondent pay to the Department of Regulation and Licensing **COSTS of FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED that a down payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be submitted within thirty (30) days from the date of this order and another payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** submitted within thirty (30) days of the previous payment until the full **FIVE HUNDRED DOLLARS (\$500.00)** is paid. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 261-7904  
Fax (608) 266-2264**

IT IS FURTHER ORDERED that in the event the Respondent fails to pay the **FIVE HUNDRED DOLLARS (\$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, her license #090-22389 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 has been paid to the Department of Regulation and Licensing. Failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file **04 REB 098** be, and hereby is, closed as to all Respondents.

**WISCONSIN REAL ESTATE BOARD**

By: Peter Sveum  
A member of the Board

2/22/07  
Date