

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

FILE COPY

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN R. HICKEY,
KEVIN S. SORGI,
ROBERT M. HAYES,
RESPONDENTS.

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FINAL DECISION AND ORDER
ADOPTING
STIPULATION AGREEMENT
(86 REB 423)

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

Steven R. Hickey
2934 South 92nd Street
West Allis, WI 53227

Kevin S. Sorgi
3364 West Lakefield
Milwaukee, WI 53215

Robert M. Hayes
17835 Marseille Drive
Brookfield, WI 53045

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 State of Wisconsin, Real Estate Board, having considered the Stipulation Agreement annexed hereto, of the parties, in resolution of the captioned matter, makes the following:


ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board in secs. 452.14, Wis. Stats., and RL 2.12, Wis. Adm. Code, filed by Complainant's attorney, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Real Estate Board.

. Let a copy of this Order be served on Respondents by certified mail.

Dated at Madison, Wisconsin, this 21ST day of JULY, 1992.

HES:kcb
ATY-2050


CHAIRMAN

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN R. HICKEY,
KEVIN S. SORGI,
ROBERT M. HAYES,
RESPONDENTS.

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STIPULATION
(86 REB 423)

Respondents Steven R. Hickey, Robert M. Hayes, their attorney Alan H. Deutch, Respondent Kevin S. Sorgi, and his attorney Michael L. Sorgi, and Complainant attorney Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the above-captioned matter, hereby stipulate and agree as follows:

1. This Stipulation shall be submitted to the Real Estate Board for approval and disposition of this matter. If the terms of the Stipulation are not acceptable to the Board then the parties shall not be bound by any of the provisions of this Stipulation.

2. Respondents and their attorneys have been advised of their rights to public hearings on each and every allegation of the complaint, but hereby freely and voluntarily waive their rights to public hearings in this matter on the condition that all provisions of this Stipulation be acceptable to the Board.

3. Respondent Steven R. Hickey (Hickey), presently of 2934 South 92nd Street, West Allis, Wisconsin 53227, was at all time material to the complaint, licensed as a real estate broker employed under ERA-Bruce Martin Company, Inc., (ERA), and has been so licensed under the provisions of chapter 452, Wis. Stats., since April 4, 1984. Hickey is presently employed under Realty 100, Inc.

4. Respondent Kevin S. Sorgi (Sorgi), presently of 3364 West Lakefield, Milwaukee, Wisconsin 53215, was at all time material to the complaint, licensed as a real estate broker employed under ERA-Supra, and has been so licensed under the provisions of chapter 452, Wis. Stats., since December 5, 1979. Sorgi was also licensed as a real estate salesperson and has been so licensed since January 1, 1985. Sorgi is presently employed under Country Terrace, Inc.

5. Respondent Robert M. Hayes (Hayes), presently of 17835 Marseille Drive, Brookfield, Wisconsin 53045, was at all time material to the complaint, licensed as a real estate broker employed under ERA-Supra, and was supervising broker of Respondents Hickey and Sorgi, and has been so licensed under the provisions of chapter 452, Wis. Stats., since November 28, 1975. Hayes is presently employed under Realty 100, Inc.

6. A Notice of Hearing and related Complaint were filed by Complainant's attorney against Respondents on about December 16, 1991 (on file herein), alleging various violations against them involving their roles as listing brokers/salespersons, and supervising broker, in a 1986 real estate transaction and that substantively, Respondents demonstrated incompetency in the handling of the transaction by failing in their responsibilities to the principal/seller, failing to work through the listing broker, fair presentation of offers, agreements to be in writing-verbal offer, and handling of earnest after the transaction failed to close, substantively but not inclusively.

7. Although each Respondent specifically deny the allegations of the complaint, they each concede that various aspects of the transaction could have been better handled. Accordingly, based upon the above and in settlement of this matter, Respondents Hickey and Sorgi agree to private letters of warnings, with all three Respondents agreeing to pay jointly or severally-to be worked out between them-the amount of \$1,000.00 as part payment for costs involved in pursuing this matter, to be paid and submitted upon signing the Stipulation Agreement. (This Stipulation, if adopted by the Board, shall be deemed and considered a private letter of warning.)

a. The complaint against Respondent Hayes is dismissed.

8. As basis, support and mitigation for acceptance of this Stipulation Agreement, the Board is advised that at the time of the subject transaction and occurrences, both Respondents Hickey and Sorgi had been licensed for a relatively short period of time, none of the Respondents had ever had any other complaint filed against them to date; none of the Respondents is presently working for the employer they worked for at the time of the transaction or occurrences; that Complainant attorney has personally met with Respondents on several occasions, as well as their attorneys and has concluded that all three (3) are rehabilitated and deterred from other similar transactions or occurrences, thusly the public is protected. The matter occurred some time ago and the underlying Complainants approve of this disposition.

9. Respondents and their attorneys acknowledge that this Stipulation, and the Department's records relating to this case are all open public records and that all of the Department's records relating to the imposition of discipline against the Respondent in this case are available to any member of the public upon request. However, the parties agree that the discipline imposed in this case will not be published in the "Wisconsin Regulatory Digest" or the "Monthly Disciplinary Report" of the Department of Regulation and Licensing and that the Department will not issue a press release disclosing the discipline imposed in this case. However, the underlying Complainants/sellers will receive copies of the Board's Final Decision and Order.

10. Respondents and Complainant's attorney agree that this Stipulation may be incorporated into the Board's Final Decision and Order adopting the Stipulation as if fully set forth therein.

11. Respondents further agree that Complainant's attorney, Henry E. Sanders, may appear at any closed deliberative meeting of the Board with respect to the Stipulation but that appearance is limited solely to statements in support of the Stipulation and for no other purpose.

Date

Steven R. Hickey, Respondent

Date

Robert M. Hayes, Respondent

Date

Alan H. Deutch, Attorney for
Respondents Hickey and Hayes

5/19/92
Date

Kevin S. Sorgi
Kevin S. Sorgi, Respondent

5/19/92
Date

Michael L. Sorgi
Michael L. Sorgi, Attorney for
Respondent Sorgi

5/27/92
Date

Henry E. Sanders
Henry E. Sanders
Complainant Attorney

HES:kcb
ATY-2051

11. Respondents further agree that Complainant's attorney, Henry E. Sanders, may appear at any closed deliberative meeting of the Board with respect to the Stipulation but that appearance is limited solely to statements in support of the Stipulation and for no other purpose.

6/23/92
Date

Steven R. Hickey
Steven R. Hickey, Respondent

6/23/92
Date

Robert M. Hayes
Robert M. Hayes, Respondent

6/23/92
Date

Alan H. Deutch
Alan H. Deutch, Attorney for
Respondents Hickey and Hayes

Date

Kevin S. Sorgi, Respondent

Date

Michael L. Sorgi, Attorney for
Respondent Sorgi

6/24/92
Date

Henry E. Sanders
Henry E. Sanders
Complainant Attorney

HES:kcb
ATY-2051

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)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is July 24, 1992.