

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
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FILE COPY

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY .  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
DIANE R. HUENINK, : 95 REB 159  
RESPONDENT :

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

Diane R. Huenink  
W2229 Smies Road  
Oostburg, WI 53070

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 decision 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. Diane R. Huenink (D.O.B. 5/12/46) is duly licensed as a real estate broker in the state of Wisconsin (license # 38641). This license was first granted on 9/16/86.
2. Respondent Huenink's most recent address on file with the Wisconsin Real Estate Board is W2229 Smies Rd., Oostburg, WI 53070.
3. At all times relevant to this investigation, Diane Huenink was working as a real estate broker at Century 21 Rautmann Realty, 1337 N Taylor Drive #201, Sheboygan, WI 53081.

4. On March 7, 1995, the respondent wrote an offer to purchase on behalf of Kelley and Gretchen Tatroe for a home (listed by respondent) being sold by Mark and Kathryn Piquette. The closing date was to be April 28, 1995. The final counteroffer with the same closing date was accepted by both parties on March 9, 1995.

5. Between the acceptance date and April 28, 1995 the buyers and sellers made a verbal agreement to extend the closing date into mid-May with the sellers paying for occupancy until May 30, 1995, by giving the buyers their refrigerator. The respondent was aware of the verbal agreement, but did not get the agreement in writing.

6. In early May the buyers decided they wanted additional compensation from the sellers for the use and occupancy after the closing, but an agreement was not reached.

7. On May 12, 1995, respondent attempted to get the buyers to sign an amendment to extend the closing and revise the terms of occupancy, but the buyers refused and the deal did not close.

4. In resolution of this matter, Ms. Huenink consents to the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to sec. 440.26, 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. The conduct described above constitutes a basis for discipline under Wisconsin law. By failing to put the agreement on extending the closing and payment of use and occupancy charges in writing, the respondent violated sec. 452.14(3)(I) and (k), Wis. Stats. and Wis. Adm. Code §RL 24.08.

#### ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Diane R. Huenink is **REPRIMANDED**.

**IT IS FURTHER ORDERED THAT** the license of Diane R. Huenink (license #38641) to practice as a Real Estate Broker in the State of Wisconsin shall be **LIMITED** as follows:

1. Ms. Huenink shall within six (6) months from the date of this Order submit documentation acceptable to the Board of successful completion of at least eight (8) hours of continuing education in the area of contracts, or in other areas acceptable to the Board. Course work shall be pre-approved by the Department Monitor. Acceptable documentation shall include certification from the sponsoring

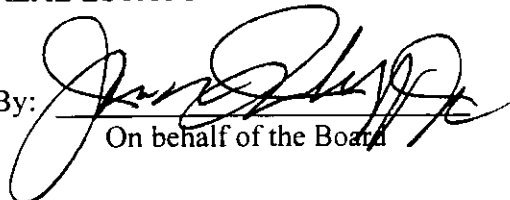
organization as well as an affidavit executed by Ms. Huenink verifying that she attended the course in its entirety. The continuing education obtained as a result of this order shall not count as course hours in satisfaction of sec. 452.12(5)(c), Wis. Stats.

2 If respondent fails to timely and successfully complete all requirements set forth in paragraph 1, above, the respondent's license shall be SUSPENDED until such time as the Board accepts documentation of respondent's completion of the education requirements set forth in this Order

**EFFECTIVE DATE OF ORDER**

This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By:   
On behalf of the Board

12/12/94  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DIANE R. HUENINK,	:	95 REB 159
RESPONDENT	:	

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It is hereby stipulated between Diane R. Huenink, personally on her own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Huenink's licensure by the Division of Enforcement (95 REB 159). Ms. Huenink consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Ms. Huenink understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Ms. Huenink is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Ms. Huenink agrees to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation is the certificate and current licensure card of Diane R. Huenink. If the Board accepts the Stipulation, Ms. Huenink's license shall be reissued only in accordance with the terms of the attached Final Decision and Order. If the Board does not accept

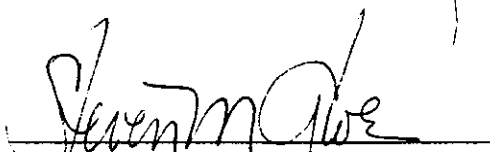
this Stipulation, the credentials of Ms. Huenink shall be returned to her with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this stipulation agree that member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final decision maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with her or her deliberations on the stipulation.

8. The Division of Enforcement joins Ms. Huenink in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Diane R. Huenink

11-2-96  
Date

  
\_\_\_\_\_  
Steven M. Goe, Attorney  
Division of Enforcement

11.21.96  
Date

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Diane R. Huenink,

AFFIDAVIT OF MAILING

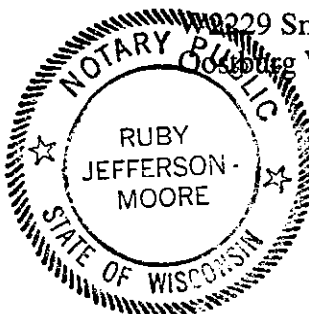
Respondent.

STATE OF WISCONSIN )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On December 16, 1996, I served the Final Decision and Order dated December 12, 1996 upon the Respondent Diane R. Huenink by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 293.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Diane R. Huenink  
10229 Smies Road  
Dodge WI 53070



*Kate Rotenberg*  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me  
this 16th day of December, 1996.

*Ruby Jefferson-Moore*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

December 16, 1996

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)