

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
 PROCEEDINGS AGAINST: : FINAL DECISION AND ORDER
 : 95 REB 209
 SONJA DAHLE, and :
 HARLAN W. HEIN, JR. :
 :
 RESPONDENTS. :

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

Sonja Dahle
528 South 7th Street
La Crescent, MN 55947

Harlan W. Hein, Jr.
1025 Pierce Street
Onalaska, WI 54650

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

Wisconsin 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 Real Estate Board ("Board"). The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **Sonja Dahle**, ("Dahle"), 528 South 7th Street, La Crescent, MN 55947, is and was at all times relevant to the facts set forth herein, a real estate salesperson licensed to practice in Wisconsin pursuant to license #37891, originally granted to her on September 18, 1992. Dahle is an independent contractor affiliated with Harlan W. Hein, Jr.

2. **Harlan W. Hein, Jr.**, ("Hein"), 1025 Pierce Street, Onalaska, WI 54650, is and was at all times relevant to the facts set forth herein, a real estate broker licensed to practice in

the state of Wisconsin pursuant to license #25883, originally granted to him on June 22, 1981. Hein is the supervisor of Dahle.

3. Hein does business as Harlan Hein & Associates, a sole proprietorship.
4. On or about June 7, 1995, Dahle, on behalf of Hein, entered into WB-1 Residential Listing Contract-Exclusive Right to Sell contract with June Reeno for the marketing of property known as W6871 Walden Place, town of Onalaska, county of La Crosse, Wisconsin.
5. On or about June 10, 1995, Wanda L. Clark and Rod S. Clark contacted Dahle and requested a showing of the Reeno property. Dahle told the Clarks that Dahle was unavailable until June 12.
6. On June 12, 1995 Dahle showed the property to the Clarks and the Clarks requested that she draft an offer for their signature.
7. In response, Dahle informed the Clarks that Dahle had promised a prospective purchaser that the property would not be shown to anyone besides the prospect until a later date and therefore she would not draft an offer. The Clarks prevailed upon Dahle to draft an offer on June 12 and Dahle insisted that it be dated for June 14.
8. Dahle has admitted to the Division of Enforcement investigation staff that Dahle had entered into an agreement with a prospect to delay showing the property. Dahle claims that she did not keep a copy of the written agreement and does not know the names of the persons with whom she entered into that agreement with. Dahle did not have permission of her principal, Ms. Reeno, nor of her supervisor, Hein. The unknown prospects never made an offer on the property, according to Dahle.
9. The Clark offer was reviewed by Hein and he approved the use of an incorrect date on the offer due to Dahle's promise to unknown persons to not market the property.
10. Dahle delayed in presenting the Clark offer to the seller until the 14th, due to her promise to the unknown prospects.
11. On or about June 12, 1995 Tami Hillistad contacted Dahle and requested a showing of the Reeno property. Dahle refused to show the property to Hillistad.

CONCLUSIONS OF LAW

1. The Real Estate Board has jurisdiction in the 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 Sonja Dahle has violated the following:
 - a. Section RL 24.08 Wis. Adm. Code., by failing to place into writing her agreement with the unknown "prospects". This violation, pursuant to section RL 24.01 Wis. Adm. Code, demonstrates incompetency to act as a real estate broker in a manner as to safeguard the interest of the public and is a violation of section 452.14(3)(i), Wis. Stats; and
 - b. Sections RL 24.13(1) and 24.13(2)(b) Wis. Adm. Code., by refusing to draft and promptly submit an offer to purchase on behalf of the Clarks. This violation, pursuant to section RL 24.01 Wis. Adm. Code, demonstrates incompetency to act as a real estate broker in a manner as to safeguard the interest of the public and is a violation of section 452.14(3)(i), Wis. Stats; and
 - c. Section RL 24.13(2) Wis. Adm. Code., by refusing to permit access to listed property for showing purposes to Tami Hillistad. This violation, pursuant to section RL 24.01 Wis. Adm. Code, demonstrates incompetency to act as a real estate broker in a manner as to safeguard the interest of the public and is a violation of section 452.14(3)(i), Wis. Stats; and
4. Respondent Harlan W. Hein, Jr., has violated the following:

Section RL 17.08 Wis. Adm. Code, by failing to properly supervise the conduct of respondent Sonja Dahle in the above described transaction.

ORDER

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

IT IS FURTHER ORDERED, that Respondent Sonja Dahle, license #37891, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Harlan W. Hein, Jr., license #25883, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Sonja Dahle, within six months of the date of this Order, successfully complete the following course modules from the Real Estate Salesperson's Course at an educational institution approved by the Department of Regulation and Licensing:

- a. The three hour real estate brokerage module (RL 25.03(3)(c); and
- b. The four hour ethical real estate practices module (RL 25.03(3)(m),

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. 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 Sonja Dahle, fails to comply with the required education as set forth above, or fails to verify the same to the Department of Regulation and Licensing as set forth above, then her real estate salesperson's license shall be suspended, without further notice, hearing or order of the board, until she has complied with the terms of this Order.

IT IS FURTHER ORDERED, that Respondent Harlan W. Hein, Jr., within six months of the date of this Order, successfully complete the following course module from the Real Estate Broker's Course at an educational institution approved by the Department of Regulation and Licensing:

- a. The four hour business ethics for real estate brokers module (RL 25.02(2)(g), 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. 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 Harlan W. Hein, Jr., fails to comply with the required education as set forth above, or fails to verify the same to the Department of Regulation and Licensing as set forth above, then his real estate broker's license shall be suspended, without further notice, hearing or order of the board, until he has complied with the terms of this Order.

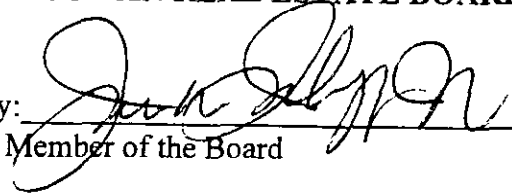
IT IS FURTHER ORDERED, that Respondent Sonja Dahle pay partial costs of this matter in the amount of \$300.00 costs within 30 days of the date of this order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Sonja Dahle fails to pay the \$300.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Sonja Dahle, her real estate salesperson's license shall be immediately 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 Division of Enforcement file 95 REB 209 is hereby closed as to all Respondents.

Dated this 24th day of APRIL, 1997.

WISCONSIN REAL ESTATE BOARD

By: 
A Member of the Board

168 1001

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST:	:	STIPULATION
	:	95 REB 209
SONJA DAHLE, and	:	
HARLAN W. HEIN, JR.	:	
	:	
RESPONDENTS.	:	

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file 95 REB 209. SONJA DAHLE and HARLAN W. HEIN, JR., together called "Respondents", and the Division of Enforcement, Department of Regulation and Licensing, by its Attorney Charles J. Howden, consent to the resolution of this matter pursuant to the terms of this stipulation and the attached Final Decision and Order.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents have had the opportunity to consult with legal counsel regarding this matter and the legal implications of the stipulation.

4. Respondents voluntarily and knowingly waive the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

5. With respect to the attached Final Decision and Order, Respondents neither admit nor deny the facts as set forth in the Findings of Fact, however, they all agree that the Board may make the Findings of Fact and may reach the conclusions set forth in the Conclusions of Law and enter the Order attached hereto.


6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement for further proceedings in this matter. In the event that the Stipulation is not accepted by the Board the parties agree not to contend that

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the members of the Board have been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. If the Board accepts the terms of this Stipulation, 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.

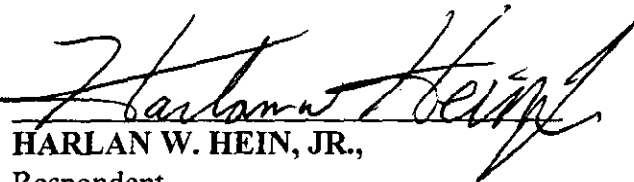
8. Respondents agree that Complainant's Attorney, Charles J. Howden, may appear at any meeting with the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondents waive any right they may have to have notice of that meeting.



SONJA DAHLE,
Respondent

4-2-97

Date



HARLAN W. HEIN, JR.,
Respondent

4-2-97

Date



CHARLES J. HOWDEN, Attorney
Division of Enforcement

4-4-97

Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On April 24, 1997, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$300.00 Case #: 95REB209

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 300.00

The costs and/or forfeitures are due: May 24, 1997

NAME: Sonja Dahle LICENSE NUMBER: 37891

STREET ADDRESS: 528 South 7th Street

CITY: La Crescent STATE: MN ZIP CODE: 55947

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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

In the Matter of the Disciplinary Proceedings Against

Sonja Dahle and
Harlan W. Hein, Jr.,

AFFIDAVIT OF MAILING

Respondents.

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 April 24, 1997, I served the Final Decision and Order dated April 24, 1997, and Guidelines for Payment of Costs and/or Forfeitures (to Dahle) upon the Respondents Sonja Dahle and Harlan W. Hein, Jr. by enclosing true and accurate copies of the above-described document in envelopes properly stamped and addressed to the above-named Respondents and placing the envelopes in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt numbers on the envelopes are P 201 374 184 (Dahle) and P 201 374 185 (Hein).

3. The addresses used for mailing the Decision are the addresses that appear in the records of the Department as the Respondents' last-known addresses and are:

Sonja Dahle
528 S. 7th Street
La Crescent MN 55947


Harlan W. Hein, Jr.
1025 Pierce Street
Onalaska WI 54650



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of April, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

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.

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:

April 24, 1997

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.)