

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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

**ALLEN D. TAINTER,**  
dba CENTURY 21 METRO REALTY INC.  
**RESPONDENT.**

:  
:  
:  
: FINAL DECISION AND ORDER  
: 96 REB 302

: LS9705226 REB

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The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Allen D. Tainter  
1906 Brackett Ave.  
Eau Claire, WI 54701

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. Allen D. Tainter(D.O.B. 01/21/49) is duly licensed in the state of Wisconsin as a real estate broker (license #8948). This license was first granted on August 15, 1974.
2. Mr. Tainter's latest address on file with the Department of Regulation and Licensing is 1906 Brackett Ave., Eau Claire, WI 54701.
3. At all times relevant to this action, Mr. Tainter was working at Century 21 Metro Realty Inc., 1906 Brackett Ave., Eau Claire, WI 54701.

4. On February 28, 1996, a routine audit of Century 21 Metro Realty trust accounts conducted by staff from the Division of Enforcement revealed violations in the following areas:

- a. Wisconsin Administrative Code § RL 18.13(2) Ledger
- b. Wis. Admin. Code § RL 18.13(4) Trial Balances
- c. Wis. Admin. Code § RL 18.13(5) Validation
- d. Wis. Admin. Code § RL 18.10 Commingling Prohibited
- e. Wis. Admin. Code § RL 18.09 Improper Disbursement of Funds
- f. Wis. Admin. Code § RL 24.15 Adequate Funds

5. In resolution of this matter, Mr. Tainter consents to the issuance of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

By the conduct described above, Allen D. Tainter is subject to disciplinary action against his license to practice as a real estate broker in the state of Wisconsin, pursuant to sec. 452.14, Stats. and Wis. Adm. Code §§ RL 18.09, RL 18.10, RL 18.13(2), (4) and (5) and RL 24.15.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Allen D. Tainter is REPRIMANDED.
2. Within thirty (30) days from the date of this Order, Mr. Tainter shall pay a FORFEITURE of ONE HUNDRED dollars (\$100.00).
3. Within thirty (30) days from the date of this Order, Mr. Tainter shall pay partial costs of this proceeding in the amount of TWO HUNDRED FIFTY dollars (\$250.00).
4. Payment of all costs and forfeitures shall be made *via certified check or money order* payable to the Wisconsin Department of Regulation and Licensing and mailed to Department Monitor, Division of Enforcement, PO Box 8935, Madison, WI 53708-8935.
5. Mr. Tainter shall within six (6) months from the date of this Order submit documentation acceptable to the Board of successful completion of at least five (5) hours of the broker's 36 hour program (Wis. Admin. Code § RL 25.02) in trust accounts, escrow and closing procedures. Mr.

Tainter may petition for approval of alternative continuing education in satisfaction of this paragraph. Alternative 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 Mr. Tainter verifying that he attended the course(s) in its(their) 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), Stats.

6. In the event that Mr. Tainter fails to timely comply with the terms and conditions set forth above, his real estate license shall be **SUSPENDED**, without further notice or hearing, until such time as he has complied with the terms of this Order

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

REAL ESTATE BOARD

By: James R. Jankoff, Jr.  
A Member of the Board  
DJR

May 22, 1997  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

**ALLEN D. TAINTER,**  
dba CENTURY 21 METRO REALTY INC.  
**RESPONDENT**

STIPULATION  
96 REB 302

It is hereby stipulated between Allen D. Tainter, personally on his 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 Mr. Tainter's licensure by the Division of Enforcement (96 REB 302). Mr. Tainter consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Tainter understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Tainter is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Mr. Tainter 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.

#006  
TAX TOTAL 370.00  
100.00  
200.00  
100.00  
370.00  
100.00  
200.00  
100.00

6. 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 him or his deliberations on the stipulation.

7. The Division of Enforcement joins Mr. Tainter in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.

*Allen D. Tainter*

Allen D. Tainter

*4-25-97*

Date

*Steven M. Gloe*

Steven M. Gloe, Attorney  
Division of Enforcement

*5-6-97*

Date

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

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In the Matter of the Disciplinary Proceedings Against

Allen D. Tainter,  
dba Century 21 Metro Realty Inc.,

AFFIDAVIT OF MAILING

Respondent.

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STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

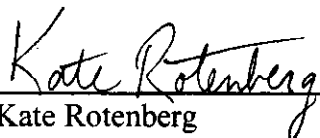
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On May 23, 1997, I served the Final Decision and Order dated May 22, 1997, LS9705226REB, upon the Respondent Allen D. Tainter, dba Century 21 Metro Realty Inc., 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 221 157 539.

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:

Allen D. Tainter,  
dba Century 21 Metro Realty Inc.  
1906 Brackett Avenue  
Eau Claire WI 54701

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

Subscribed and sworn to before me

this 23<sup>rd</sup> day of May, 1997.

  
\_\_\_\_\_  
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:**

May 23, 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.)