

# 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 :

GUY D TRECROCI, :

FINAL DECISION AND ORDER  
95 REB 016

RESPONDENT. :

LS9708284REB

-----  
The parties to this action for the purpose of Wisconsin Statutes Sec. 227.53 are:

Guy D. Trecroci  
4011 80th St.  
Kenosha WI 53142

Wisconsin Real Estate Board  
PO Box 8935  
Madison WI 53708-8935

Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
PO 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. Guy D. Trecroci, 4011 80th St., Kenosha, Wisconsin 53142, is and was at all time relevant to the facts set forth herein a real estate broker licensed to practice in the state of Wisconsin pursuant to license #90-7395, originally granted to him on December 17, 1963. Trecroci currently is employed as a real estate broker for Bear Realty of Kenosha, Inc., said employment commencing on or about December 14, 1984. He was also a partner in a development group known as 27 Acre Group and was responsible for facilitation of a subdivision called Country Home Estates.

2. On or about 1980, 27 Acre Group developed County Home subdivision and recorded the original plat and drainage plan. In 1992, the city of Kenosha informed Guy Trecroci that he

needed to erect a storm sewer on the property located at 5803 82nd Place, Lot 227, Kenosha, Wisconsin. Dykstra Excavating installed a storm sewer on the property at Guy Trecroci's direction..

3. On or about March 2, 1993, Louis D. and Laurie K. Benvenuti entered into a vacant land Offer to Purchase of lot #77 in Country Home Estate subdivision as marketed by Bear Realty of Kenosha, Inc.. This offer was drafted by Mark Trecroci. He was unaware of the storm sewer existence because at the time of inspection the sewer was covered with snow.

4. Closing on the transaction took place on or about May 4, 1993.

5. After building a home on the lot, the Benvenutis learned, on or about July 18, 1994, that a storm sewer was located in the southwest portion of the lot extending north along the property line to the street which brought an ownership liability. The existence of the storm sewer system was not disclosed to them prior to the purchase, nor was the fact that they would be responsible for the maintenance of the system and face possible civil liability if the system failed.

6. Dykstra Excavating never obtained the appropriate permits for the installation of the said storm sewer. Consequently the storm sewer was never recorded and added to the plat.

7. The Benvenutis ultimately granted an easement to the city of Kenosha which relieved them of the responsibility of maintaining the drainage system.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Sec. 452.14, 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. Respondent Guy Trecroci has violated the following:

RL 24.07 (2) A licensee . . . shall disclose to each party, in writing and in a timely fashion, all material adverse facts . . .

#### ORDER

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

IT IS FURTHER ORDERED, that Guy Trecroci, real estate broker license #7395 is REPRIMANDED.

IT IS FURTHER ORDERED, that Guy Trecroci, within six months of the date of this order, successfully complete the following course modules from the real estate brokers course at an educational institution approved by the Department of Regulation and Licensing:

- a. RL 25.02(g) Business Ethics, 4 hours
- RL 25.02(h) Consumer Protection, 5 hours

and submit proof of the same in the form of verification from the institution providing education to the Real Estate Board, PO 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 maybe instituted by the board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Guy Trecroci 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 brokers license shall be suspended, without further notice, hearing or order of the board until he has completed the terms of this order.

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

IT IS FURTHER ORDERED, that in the event Respondent Guy Trecroci fails to pay the \$300.00 cost within the time and manner that is set forth above, then in that event, and without further notice to the Respondent Guy Trecroci, his real estate broker's license shall immediately be suspended without further hearing and without further order of the Board, and said suspension shall continue until the full amount of said cost had been paid to the Department of Regulation and Licensing and his failure to pay the cost shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file #95 REB 016 be, and hereby is closed.

Dated this 28th day of August, 1997.

WISCONSIN REAL ESTATE BOARD

By: 

AL:deh  
R:\ENFORCE\CLG2209 DOC

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

GUY D. TRECROCI  
RESPONDENT.

STIPULATION  
95REB016

:  
:

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The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving investigative file 95REB016. GUY D. TRECROCI("Respondent") consents to the resolution of this matter by this Stipulation and the attached Final Decision and Order.

2. Respondent 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; 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. Respondent has had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.

4. Respondent voluntarily and knowingly waives 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, Respondent neither admits nor denies the facts as set forth in the Findings of Fact, however, Respondent agrees that the Board may make the Findings of Fact and may reach the Conclusions set forth in the Conclusions of Law and may enter the Order attached here to.

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 the event that the 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.


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. Respondent agrees that Complainant's attorney, Gerald M. Scanlan, may appear at any meeting of 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. Respondent waives any right he may have to notice of that meeting.

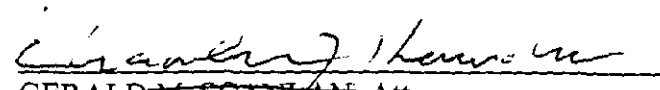
9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
GUY D. TRECROCI, Respondent

7-1-97  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
JOSEPH MADRIGRANO, JR.,  
Attorney for Respondent

7-1-97  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
GERALD M. SCANLAN, Attorney  
Division of Enforcement

7/29/97  
\_\_\_\_\_  
Date

I:\HESTIP DOC

# 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 August 28, 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 #: LS9708284REB

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: September 27, 1997

NAME: Guy D. Trecroci LICENSE NUMBER: 7395

STREET ADDRESS: 4011 80th Street

CITY: Kenosha STATE: WI ZIP CODE: 53142

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.

G\BDLS\FM2145.DOC

**For Receipting Use Only**

Committed to Equal Opportunity in Employment and Licensing+

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

Guy D. Trecroci,

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 September 3, 1997, I served the Final Decision and Order dated August 28, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9708284REB, upon the Respondent Guy D. Trecroci's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney 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 221 158 409.

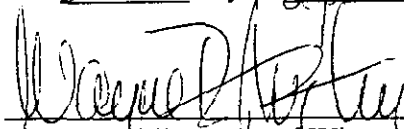
Joseph Madrigrano, Jr., Attorney  
1108 56th Street  
P.O. Box 486  
Kenosha WI 53141-0486

  
\_\_\_\_\_

Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 3<sup>rd</sup> day of September, 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:**

September 3, 1997

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### **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.)