

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

FILE COPY

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

PATRICIA A. SOBOTA and  
ANDALE REAL ESTATE INC.,  
RESPONDENTS.

FINAL DECISION AND ORDER

95 REB 378

LS9710233REB

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

Patricia A. Sobota  
165 Summit Road  
Wilson, WI 54027

Andale Real Estate Inc.  
1231 North Broadway  
Menomonie, WI 54751

Wisconsin 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. Patricia A. Sobota ("Sobota"), date of birth 3/21/45, is licensed in the state of Wisconsin as a real estate broker, having license #90 43349. This license was first granted to her on 8/17/88. Sobota is associated with Andale Real Estate Inc.

2. Sobota's most recent address on file with the Department of Regulation and Licensing is 165 Summit Road, Wilson, WI 54027.

3. **Andale Real Estate Inc.**, ("Andale"), is duly licensed in the state of Wisconsin as a real estate corporation having license #91 24314. This license was first granted to it on 9/08/80. Sobota is President of Andale.

4. Andale's most recent address on file with the Department of Regulation and Licensing is 1231 North Broadway, Menomonie, WI 54751.

5. This investigation involves a complaint filed with the Division of Enforcement by Jerald L. Von Holtum and Patty E. Von Holtum relating to the August 25, 1995 auction sale of their homestead located near Menomonie, Wisconsin. This auction was conducted by Jack Hines, a Wisconsin registered auctioneer. As a result of the auction held on August 25, 1995, the property was sold and a commission paid to Hines and Sobota.

6. On or about March 15, 1996 Investigator Kelley Sankbeil of the Division of Enforcement for the Department of Regulation and Licensing mailed a letter to "Andale Real Estate, Patricia Sobota, President, requesting copies of all listing agreements, including amendments, relating to the Von Holtum property.

7. On or about March 28, 1996 Sobota, acting on behalf of Andale, submitted to the Division of Enforcement a response to Investigator Sankbeil's letter. This response represented to the Division of Enforcement that it included copies of all documents related to the Von Holtum transaction that were in the possession of Andale.

8. The March 28, 1996 Sobota response included a copy of a WB-1 Residential Listing-Exclusive Right To Sell signed by Sobota as broker and by the sellers Jerald L. Von Holtum and Patty E. Von Holtum. The term of the listing commenced on January 30, 1995 and ended at midnight on June 30, 1995. No amendments to this contract were included in this response.

9. On or about October 18, 1996, Jack Hines sent to the Division of Enforcement a copy of an "Amendment" to the Andale/Von Holtum listing contract which was dated August 25, 1995 and purports to "extend" the Andale listing contract from June 30, 1995 to October 1, 1995. This amendment is signed by Sobota and Jerald Von Holtum. The "Amendment" is not signed by Patty Von Holtum.

### 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 approve the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent Patricia A. Sobota has violated:

- a. Section 452.14(3)(a) of the Wisconsin Statutes by making a material misstatement in information furnished to the department.
- b. Section RL 15.04 of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by failing to make the amendment form available to the department for inspection and copying when requested to do so.
- c. Section 452.14(3)(i) of the Wisconsin Statutes and Sections RL 24.025(2), 24.03(c) and 24.08 of the Wisconsin Administrative Code by failing to obtain all necessary signatures on an amendment to the listing contract for the homestead of the Von Holtums.

4. Respondent Andale Real Estate Inc., is responsible for the acts of Sobota pursuant to section 452.12(3) of the Wisconsin Statutes.

### ORDER

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

IT IS FURTHER ORDERED, that Respondent Patricia A. Sobota, license #43349, is **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Patricia A. Sobota within six (6) months of the date of this Order, successfully complete the following course modules from the broker's educational program

- a. The four hour Approved Forms course module, RL 25.02(2)(b); and
- b. The five hour Consumer Protection course module, RL 25.02(2)(h),

at an educational institution approved by the Department of Regulation and Licensing, 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, WI 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 Patricia A. Sobota 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 broker'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 Patricia A. Sobota pay partial costs of this matter in the amount of \$400.00 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 Patricia A. Sobota fails to pay the \$400.00 costs within the time and in the manner as set forth above, then her real estate broker's license shall be immediately suspended, without further notice, hearing or 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 Respondent Andale Real Estate Inc., license #91 24313, is **REPRIMANDED**.

IT IS FURTHER ORDERED, that file #95 REB 378 be, and hereby is, closed.

**WISCONSIN REAL ESTATE BOARD**

By

  
A Member of the Board

Date

10/23

1997.

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

PATRICIA A. SOBOTA, and  
ANDALE REAL ESTATE INC.,  
RESPONDENTS.

STIPULATION  
95 REB 378

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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 this matter known as investigative file 95 REB 378. Patricia A. Sobota and Andale Real Estate Inc., 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

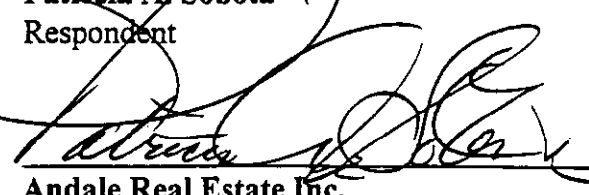
the members of the Board have been prejudiced or biased in any manner by the consideration of this attempted resolution.

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.

  
Patricia A. Sobota  
Respondent

09/12/97  
Date

  
Andale Real Estate Inc.  
Respondent  
by its President Patricia A. Sobota

09/12/97  
Date

  
Charles J. Howden, Attorney  
Division of Enforcement

9/29/97  
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 October 23, 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: \$400.00 Case #: LS9710233REB

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 400.00

The costs and/or forfeitures are due: November 22, 1997

NAME: Patricia A. Sobota LICENSE NUMBER: 43349

STREET ADDRESS: 165 Summit Road

CITY: Wilson STATE: WI ZIP CODE: 54027

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

X  COSTS   FORFEITURE

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

X  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 BAK

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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

Patricia A. Sobota and  
Andale Real Estate Inc.,

AFFIDAVIT OF MAILING

Respondents.

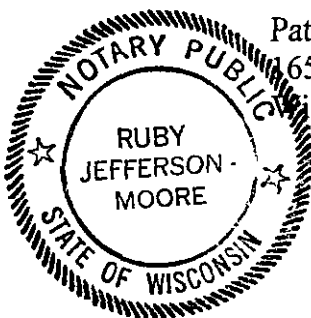
STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

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 October 24, 1997, I served the Final Decision and Order dated October 23, 1997, and Guidelines for Payment of Costs and/or Forfeitures (to Sobota), LS9710233REB, upon the Respondents Patricia A. Sobota and Andale Real Estate Inc. by enclosing true and accurate copies of the above-described documents 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 221 158 262 (Sobota) and P 221 158 263 (Andale Real Estate Inc.).

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:



Patricia A. Sobota and  
165 Summit Road  
Wilson WI 54027

Andale Real Estate Inc.  
1231 N. Broadway  
Menomonie WI 54751

*Kate Rotenberg*  
\_\_\_\_\_  
Kate Rotenberg

Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 24th day of October, 1997.

*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:**

October 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.)