

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

SPENCER D. LAVRENZ, :
RESPONDENT. :

FINAL DECISION AND ORDER

93 REB 109

LS9711261REB

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

Spencer D. Lavrenz
718 Highway W
Campbellsport, WI 53010

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. Spencer D. Lavrenz (D.O.B. September 16, 1942) is duly licensed in the state of Wisconsin as a real estate broker (license #44738). This license was first granted on January 17, 1991.
2. Spencer D. Lavrenz's latest address on file with the Department of Regulation and Licensing is N718 Highway W, Campbellsport, WI 53010.
3. On or about June 15, 1993 Spencer D. Lavrenz was convicted in the United States District Court, Eastern District of Wisconsin of one misdemeanor count of failing to file income tax returns for year 1989. A copy of the Judgment in a Criminal Case is attached as Exhibit 1 and is incorporated herein by reference.

4. As a result of the conviction Respondent was placed on probation for a period of 3 years.

5. Respondent has complied with all terms of his probation and his probation ended on or about June 15, 1996.

6. The facts and circumstances of the above conviction substantially relate to the practice of real estate.

CONCLUSIONS OF LAW

1. By the conduct described above, Spencer D. Lavrenz is subject to disciplinary action against his license to practice as a real estate broker in the state of Wisconsin, pursuant to Wis. Stats. sec. 452.14, and Wis. Adm. Code RL 24.

2. The Wisconsin Real Estate Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Spencer D. Lavrenz by being convicted of the offense of failure to file income tax return for 1989, has violated Wis. Stats. sec. 452.14(3)(i) and Wis. Adm. Code sec. RL 24.17(2).

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached stipulation is accepted.

2. Respondent Spencer D. Lavrenz be, and hereby is, REPRIMANDED.

3. It is further ordered that Respondent Spencer D. Lavrenz pay partial costs of this matter in the amount of \$300.00 within thirty (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.

4. It is further ordered, that in the event that Respondent Spencer D. Lavrenz fails to pay the \$300.00 partial costs within the time and in the manner as set forth above then, and in that event, and without further notice to the Respondent Spencer D. Lavrenz's real estate 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 the said costs have been paid to the

Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this order by the Board.

IT IS FURTHER ORDERED, that file 93 REB 109 be, and hereby is, closed.

Dated this 11 day of DEC, 1997.

WISCONSIN REAL ESTATE BOARD

By: 
A Member of the Board

12/11/97
Date

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806

United States District Court

EASTERN

District of WISCONSIN

UNITED STATES OF AMERICA

V.

SPENCER DELANO LAVRENZ

(Name of Defendant)

93 JUN 23 10:33

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

SOFRON B. NEDILSKY

Case Number: 93-CR-49

Timothy A. Nettesheim/Richard A. Petri

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One of Information
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
26:7203	Failure to file income tax return	1989 U.S. District Court Eastern Div. of Wis.	1

I hereby certify that this is a true and correct copy of the original now remaining of record in my office.

SOFRON B. NEDILSKY, Clerk

DATED:

11/10/93 By Kathleen G. Fink Deputy

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 25.00, for count(s) one of information, which shall be due immediately as follows:

to Clerk of Court, Room 362, 517 East Wisconsin Avenue, Milwaukee, WI 53202

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 389-40-8675

Defendant's Date of Birth: 9/16/42

Defendant's Mailing Address:

N718 HIGHWAY W
Campbellsport, WI 53010

Defendant's Residence Address:

N718 Highway W
Campbellsport, WI 53010

June 15, 1993

Date of Imposition of Sentence

Robert L. Bittner

Signature of Judicial Officer

ROBERT L. BITTNER, U.S. Magistrate Judge

Name & Title of Judicial Officer

6-23-93

Date

EXHIBIT 2

11

Defendant: **Spencer Delano Lavrenz**
 Case Number: **93-CR-49**

Judgment—Page 2 of 3

PROBATION

The defendant is hereby placed on probation for a term of three (3) years

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

1. The defendant shall serve three months home confinement, to be monitored electronically and pay the cost of such in advance at a rate of \$4.24 per day, as directed by the probation officer. The defendant shall be confined to his home the hours of 10:00 p.m. to 6:00 a.m.
2. The defendant shall provide access to the probation officer to any requested financial information.
3. The defendant is to cooperate with the Internal Revenue Service in the payment of all back taxes and the filing of amended and future taxes.
4. The defendant shall perform 100 hours of community service work, as directed by the probation officer.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: **Spencer Delano Lavrenz**
Case Number: **93-CR-49**

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): **SEE TRANSCRIPT**

Guideline Range Determined by the Court:

Total Offense Level: 7

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: 0 to 1 years

1 to 5 years probation

Fine Range: \$ 500.00 to \$ 5,000.00 (with costs of imprisonment/supervision)

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ _____

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: STIPULATION
SPENCER D. LAVRENZ, : 93 REB 109
RESPONDENT. :

It is hereby stipulated between Spencer D. Lavrenz, personally on his own behalf and Gerald M. Scanlan, 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 Spencer D. Lavrenz's licensure by the Division of Enforcement. Spencer D. Lavrenz consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Spencer D. Lavrenz 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. Spencer D. Lavrenz is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this Stipulation.

4. Spencer D. Lavrenz 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. The parties to this Stipulation agree that the attorney for the Division of Enforcement and the member of the Real Estate Board assigned as an advisor in this

investigation may appear before the Real Estate Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

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

Spencer D. Lavrenz
Spencer D. Lavrenz

11-15-97
Date

Gerald M. Scanlan
Gerald M. Scanlan, Attorney
Division of Enforcement

12-4-97
Date

GMS:kcb
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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 December 11, 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 #: LS9711261REB

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: January 10, 1998

NAME: Spencer D. Lavrenz LICENSE NUMBER: 44738

STREET ADDRESS: 718 Highway W

CITY: Campbellsport STATE: WI ZIP CODE: 53010

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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For Receipting Use Only

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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

Spencer D. Lavrenz,

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 15, 1997, I served the Final Decision and Order dated December 11, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9711261REB, upon the Respondent Spencer D. Lavrenz by enclosing true and accurate copies of the above-described documents 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 221 157 654.
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:


Spencer D. Lavrenz
718 Highway W
Campbellsport WI 53010



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 15th day of December, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: SPENCER D LAVRENZ

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 12/15/97. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935