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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER
98 REB 060

HELEN R. PATENAUDE
RESPONDENT.

LS9812103REB

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

Helen R. Patenaude
147 Quincy St.
Oconto, WI 54153

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

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 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. **Helen R. Patenaude** ("Patenaude"), date of birth 11/13/42, is licensed in the State of Wisconsin as a real estate broker having license # 90-43554. This license was first granted to her on 7/20/89. Patenaude is the broker for River Realty located in Oconto, WI.
2. Patenaude's most recent address on file with the Department of Regulation and Licensing is 147 Quincy St., Oconto, WI 54153.
3. On or about December 9, 1997, Todd Liebergen, an auditor with the Department of Regulation and Licensing, Division of Enforcement, attempted to conduct an audit of Patenaude's real estate trust account records. Based upon the incomplete results of the audit, Liebergen issued Patenaude a Department of Regulation and Licensing Form 344 and requested that the Division of Enforcement open a formal investigation to resolve possible deficiencies he found. A copy of the Department Form 344 dated December 9, 1997, is attached as **Exhibit 1** and is incorporated herein.
4. An investigation was opened and during the course of that investigation Patenaude, through her attorney Richard D. Delforge, submitted all documents requested by the Department. A review of the materials provided indicated the following discrepancies in Patenaude's real estate trust account bookkeeping records (for the purposes of this stipulation the exact numbers Patenaude used in her monthly reconciliations are adopted, e.g. \$750.00 as used vs. \$7,500.00 as correct for Patenaude's February 28, 1997, Reconciliation of Bank Account document).
 - a. The Bank Statement for January 31, 1997, indicates a balance of \$1,139.13. Patenaude lists no Deposits in Transit or Checks Outstanding in her Reconciliation of Bank Account but nevertheless arrives at a reconciled balance of \$1,100.13. Check # 687 in the amount of \$39.00 was outstanding in January 1997, but not recorded. A copy of the Bank Statement for Patenaude's IBRETA account 1001646 from January 1, 1997, through January 31, 1997, is attached as **Exhibit 2** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of January 31, 1997, is attached as **Exhibit 3** and is incorporated herein.
 - b. The Bank Statement for February 28, 1997, indicates a balance of \$3,753.33. In her Reconciliation of Bank Account, Patenaude lists Deposits in Transit as \$32,650.00 with Checks Outstanding being \$39,900.00. Basic math using these figures leaves a minus \$3,496.67 balance while Patenaude nevertheless lists a reconciled

balance of \$600.13. Check #687 in the amount of \$39.00 was yet outstanding but not listed in the February 1997 reconciliation. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from February 1, 1997, through February 28, 1997, is attached as **Exhibit 4** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of February 28, 1997, is attached as **Exhibit 5** and is incorporated herein.

c. The Bank Statement for March 31, 1997, indicates a balance of \$1,649.13. In her Reconciliation of Bank Account, Patenaude lists Deposits in Transit as \$29,500.00 with Checks Outstanding being \$28,500.00. Basic math using these figures leaves a balance of \$2,649.13 while Patenaude nevertheless lists a reconciled balance of \$1,600.13. Check # 687 in the amount of \$39.00 was yet outstanding but not so listed in the March 1997 reconciliation. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from March 1, 1997, through March 31, 1997, is attached as **Exhibit 6** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of March 31, 1997, is attached as **Exhibit 7** and is incorporated herein.

d. The Bank Statement for April 30, 1997, indicates a balance of \$700.13. In her Reconciliation of Bank Account, Patenaude lists Deposits in Transit as \$ 81,100.00 and lists but does not add a number of Checks Outstanding, (the outstanding checks listed amounts to \$82,000.00). Basic math using these numbers leaves a negative balance of \$199.87 while Patenaude nevertheless lists a reconciled balance of \$700.13. Per the bank statement check #687 in the amount of \$39.00 cleared on April 10, 1997. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from April 1, 1997, through April 30, 1997, is attached as **Exhibit 8** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of April 30, 1997, is attached as **Exhibit 9** and is incorporated herein.

e. The Bank Statement for May 30, 1997, indicates a balance of \$1,200.13. In her

Reconciliation of Bank Account, Patenaude lists Deposits in Transits at \$1,100.00 and Checks Outstanding at \$800.00. Basic math using these figures leaves a balance of \$1,500.13 while Patenaude nevertheless lists a reconciled balance of \$1,000.13. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from May 1, 1997, through May 30, 1997, is attached as **Exhibit 10** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of May 30, 1997, is attached as **Exhibit 11** and is incorporated herein.

f. The Bank Statement for June 30, 1997, indicates a balance of \$8,895.21. In her

Reconciliation of Bank Account, Patenaude lists \$8,500.00 Deposits in Transits and \$9,399.08 in Checks Outstanding. Basic math using these figures leaves a balance of \$7,996.13 while Patenaude nevertheless lists a reconciled balance of \$100.13. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from May 31, 1997, through June 30, 1997, is attached as **Exhibit 12** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of June 30, 1997, is attached as **Exhibit 13** and is incorporated herein.

g. The Bank Statement for October 31, 1997, indicates a balance of \$380.21. In her

Reconciliation of Bank Account, Patenaude lists \$39,100.00 Deposits in Transits and \$27,529.92 in Checks Outstanding. Basic math using these figures leaves a balance of \$11,950.29 while Patenaude nevertheless lists a reconciled balance of \$100.13. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from October 1, 1997, through October 31, 1997, is attached as **Exhibit 14** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of October 31, 1997, is attached as **Exhibit 15** and is incorporated herein.

h. The Bank Statement for November 28, 1997, indicates a balance of \$100.13. In her Reconciliation of Bank Account, Patenaude lists no Deposits in Transits but there is \$100.00 in Checks Outstanding. Basic math using these figures leaves a balance of \$.13 while Patenaude nevertheless lists a reconciled balance of \$100.13. A copy of the Bank Statement for Patenaude's IBRETA Account 1001646 from November 1, 1997, through November 28, 1997, is attached as **Exhibit 16** and is incorporated herein. A copy of Patenaude's Reconciliation of Bank Account as of November 28, 1997, is attached as **Exhibit 17** and is incorporated herein.

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 **Helen Patenaude** has violated:

a. Sections RL 18.13(3), RL 18.13(5), RL 18.14 and RL 24.17(3) of the Wisconsin Administrative code and section 452.14(3)(i) of the Wisconsin Statutes by failing to perform required monthly account reconciliations and validations for the months of January 1997, February 1997, March 1997, April 1997, May 1997, June 1997, October 1997 and November 1997.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Helen Patenaude**, license # 90-43554,

be , and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Helen Patenaude**, within six months of the date of this Order, successfully complete the following course module from the 36 hour pre-licensing real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

a. The five hour Trust Account, Escrow, and Closing Statement module-section

RL 25.02(2)(c), of the Wisconsin Administration Code.

and submit proof of the same to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935, in the form of verification from the institution providing the education. 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 **Helen Patenaude**, fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Helen Patenaude, her real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board.

IT IS FURTHER ORDERED, that Respondent **Helen Patenaude**, 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, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Helen Patenaude** 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 **Helen Patenaude**, her real estate license shall be 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 partial costs will be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 98 REB 060 be, and hereby is, closed.

Dated this 10th day of December, 1998.

WISCONSIN REAL ESTATE BOARD

By: Richard Hinsman

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