

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST :

FINAL DECISION AND ORDER

HARLEN W. HEIN JR.
RESPONDENT

98 REB 328

LS 9902256REB

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

Harlen W. Hein.
1025 Pierce St.
Onalaska, WI 54650

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. **Harlen W. Hein Jr.** ("Hein"), date of birth 6/24/43, is licensed in the State of Wisconsin as a real estate broker having license # 90-25883. This license was first granted to him on 6/22/81.
2. Hein's most recent address on file with the Department of Regulation and Licensing is 1025 Pierce St., Onalaska, WI 54650.
3. On or about January 28, 1998, Gene Kleinert an auditor with the Department of Regulation and Licensing, began an audit of Harlen Hein's real estate trust account bookkeeping records. On or about June 17, 1998, Kleinert completed his audit. During the audit conducted on January 28, 1998, and June 17, 1998, Kleinert discovered discrepancies in the real estate trust account as detailed in form 344. A copy of form 344 is attached as **Exhibit 1** and is hereby incorporated into this document.

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.

3. Respondent **Harlen W. Hein Jr.** has violated:

a. Section RL 24.15 of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes, by issuing checks from January 1997, through March 1998, upon business or trust accounts which contain insufficient funds.

b. Sections RL 18.13(1), RL 18.13(2), RL 18.13(3), RL 18.13(4) and RL 18.13(5) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by failing to maintain a required cash journal, failing to do required monthly account reconciliations, trial balances and validations from 1993 until to January 1998.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Harlen W. Hein Jr.**, license #90-25883, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Harlen W. Hein Jr.**, 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 Accounts, Escrow, 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 **Harlen W. Hein Jr.**, 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 Harlen Hein Jr., his 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 **Harlen W. Hein Jr.**, pay a **FORFEITURE** of \$500.00, within 6 months of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 89354, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Harlen W. Hein Jr.**, fails to pay the \$500.00 forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Harlen W. Hein Jr., his real estate license shall continue under suspension without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture have been paid to the Department of Regulation and Licensing and his failure to pay the forfeiture shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Harlen W. Hein Jr.**, 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 **Harlen W. Hein Jr.**, 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 **Harlen W. Hein Jr.**, his 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 his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 98 REB 328 be, and hereby is, closed.

Dated this 25th day of February, 1999.

WISCONSIN REAL ESTATE BOARD

By: Richard Hinsman

A member of the Board