

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

<b>WILLARD A. SEIFFERT,</b>	<b>FINAL DECISION AND ORDER</b>
Respondent	<b>96REB306</b>
	<b>LS 9908265REB</b>

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

*Willard A. Seiffert*  
*508 Bauer Rd.*  
*Hudson, WI 54016*

*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 disposition of this matter, subject to the approval of the Real Estate Board ("Board"). The Board has reviewed this *Stipulation* and considers it acceptable.

Accordingly, the Board adopts the attached *Stipulation* and makes the following:

**FINDINGS OF FACT**

- Willard A. Seiffert**, ("Seiffert"), 508 Bauer Rd., Hudson, WI 54016, is and was at all times relevant to the facts set forth herein, a real estate salesperson licensed to practice as a real estate salesperson in the State of Wisconsin pursuant to license # 26689, which was originally granted on April 28, 1987. Seiffert is an independent contractor affiliated with Burnet Realty, Inc.
- Burnet Realty, Inc., ("Burnet Realty"), 219 2nd St., Hudson, WI 54019, is and was at all times relevant to the facts set forth herein, a real estate corporation licensed to practice as a real estate brokerage in the State of Wisconsin, pursuant to license # 833997, which was originally granted on July 31, 1990.
- Tobin A. Sauro, ("Sauro"), 2237 Sixth St. E., St. Paul, MN 55119, is and was at all times relevant to the facts set forth herein, a real estate broker licensed to practice as a real estate broker in the State of Wisconsin pursuant to license # 47436, which was originally granted on May 17, 1994. Sauro is and was employed by Burnet Realty as a real estate broker at all times relevant hereto.
- Seiffert was supervised at all times relevant hereto, and in regard to the real estate sales transactions described herein, by licensed broker, Sauro, who is broker of record for the Burnet Realty office located in Hudson, Wisconsin.

**DELTA CONSTRUCTION, INC.,/FREDRICK/McELROY (96 REB 306):**

5. In June, 1994, Seiffert showed a residential building lot, located on the corner of Wert Road and Jensen Lane in Parkview Estates, Hudson, Wisconsin, to Mark Frederick and Julie McElroy. The lot was owned by Delta Construction, Inc., a home construction company.
6. Burnet Realty did not have a listing contract with Delta Construction, Inc. regarding the lot.
7. On or about June 23, 1994, Seiffert, acting as agent of the "seller", drafted a WB-11 Residential Offer to Purchase the lot with a contingency that a specific house plan be constructed by Delta Construction, Inc. Due to changes in the house plan, the Offer to Purchase drafted by Seiffert was not closed. A copy of the Offer to Purchase is attached hereto marked as **Exhibit H**, and incorporated herein by this reference.
8. Seiffert did not disclose to Frederick or McElroy that the property on the corner of Wert Road and Jensen Lane neighbored the well advisory zone.
9. Subsequent to June 23, 1994, Frederick and McElroy entered into a verbal agreement with the builder regarding the revised plan for construction of a new home on the same lot which they had offered to purchase with the assistance of Seiffert. Seiffert agreed to withdraw from the transaction and forego his commission in order to enable the builder and buyer to reach acceptable price terms. The builder constructed the agreed upon home. The sales transaction closed in November of 1994.
10. On or about August 22, 1996, McElroy received a letter from Ayres Associates informing her that water collected from their supply in May or June, 1996, tested above the Preventative Action Limit (PAL). Frederick and McElroy had to purchase a filtration system for the home as a consequence of this contamination at a cost of approximately \$1,000, attached and incorporated hereto as **Exhibit I**.

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**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 and accept the attached *Stipulation* pursuant to Sec. 227.44(5), Wis. Stats.
3. The Wisconsin Real Estate Board, upon a finding of sufficient evidence of professional conduct contrary to the provisions of Sec. 452.133(c) of the Wisconsin Statutes, sec. RL 24.07(2) and sec. RL 24.07(3) of the Wisconsin Administrative Code, is authorized to enter the Order set forth herein.
4. The Wisconsin Real Estate Board, upon a finding of sufficient evidence of professional misconduct contrary to the provisions of Sec. 452.135(1) of the Wisconsin Statutes and Sec. RL 24.08 of the Wisconsin Administrative Code, is authorized to enter the Order set forth herein.

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached *Stipulation* is accepted and the real estate license #2669 of Respondent, Willard A. Seiffert, is **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Willard A. Seiffert, within 6 months of the date of this Order, successfully complete the following course modules from the real estate salesperson's course at an educational institution approved by the Department of Regulation and Licensing:

- a. The five hour listing agreement module (RL 25.03(3)(d)) and
- b. The four hour ethical real estate practices (RL 25.03(3)(m)) and

submit proof 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 Respondent Willard A. Seiffert 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 and in that event, and without further notice to the Respondent Willard A. Seiffert, his real estate license shall be immediately suspended without further hearing and without further Order of the Board,

and said suspension shall continue until he has complied with the terms of this Order.

IT IS FURTHER ORDERED, that the portion of case file 96 REB 306 involving Willard A. Seiffert, individually, is hereby closed.

Dated this 26th day of August, 1999.

**WISCONSIN REAL ESTATE BOARD**

By James R. Imhoff