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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DOMINIC GOODMAN REAL
ESTATE, LTD., and
DOMINIC W. GOODMAN III,
RESPONDENTS.

FINAL DECISION AND ORDER
00 REB 019

LS0007271REB

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

Dominic Goodmann Real Estate, Ltd.
PO Box 1088
Dubuque, Iowa 52001

Dominic W. Goodmann III
2774 University Avenue
Dubuque, Iowa 52001

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. Dominic Goodmann Real Estate, Ltd, (Dominic-Goodmann) of Dubuque, Iowa is an Iowa corporation licensed in Wisconsin as a real estate corporation having license # 91-835335. This license was first granted to it on June 9, 2000. The most current address on record at the Department of Regulation and Licensing for this corporation is PO Box 1088, Dubuque, Iowa 52001.
2. Dominic W. Goodmann III (Goodmann) is licensed as a real estate broker in Wisconsin having license 90-17050. This license was first granted to him on March 15, 1977. The most current address on record at the Department of Regulation and Licensing for Goodmann is 2774 University Avenue, Dubuque, Iowa, 52001.
3. At all times material hereto, Goodmann was the Vice President of Dominic-Goodmann.
4. Nancy K. Droessler (Droessler), is licensed in the State of Wisconsin as a real estate broker having

license # 90-46177. This license was first granted to her on August 10, 1992. The most current address on record at the Department of Regulation and Licensing for Droessler is 3707 Droessler Court, Kieler, Wisconsin 53812.

5. At all times material hereto, Droessler was employed as a real estate broker by Dominic-Goodmann and supervised by Goodman.

6. On or about June 4, 1999, Droessler, acting as a broker employed by Dominic-Goodmann, drafted a listing contract for the marketing of property owned by Daniel T. Doyle and Stacy Doyle. This property is located at 1296 Sinsinawa Road, in the Township of Hazel Green, Grant County, Wisconsin and consists of the personal residence of the Doyles and approximately 57 acres.

7. At line 237 of the listing contract under the heading of *ADDITIONAL PROVISIONS*:, Droessler wrote in, at the Doyles' request: "This sale is subject to seller finding suitable housing."

8. Also on June 4, 1999, Droessler completed for the signature of the Doyles a NOTICE TO CLIENTS AND CUSTOMERS, wherein the Doyles were given notice that Dominic-Goodmann and Droessler were working both as a **seller's agent** and as a **buyer's agent**. The form also states that the Doyles consent to the dual representation.

9. On or about June 23, 1999, Droessler completed an offer to purchase form for the signatures of Richard J. Zach and Kathleen S. Zach wherein the Zachs offered to purchase the Doyle property. This offer states that Droessler is working as a "dual agent". At the time Droessler completed the offer for the Zachs neither she nor Dominic-Goodmann had a buyer agency contract with the Zachs.

10. The Zach offer contained a financing contingency that states: "This offer is contingent upon Buyer being able to obtain financing from stocks + bonds first mortgage loan commitment as described below, by July 23, 1999." The offer does not state the amount of financing, the interest rate and terms, the length of the loan term, the monthly or yearly payments, the due date or any other specific terms of the loan.

11. The Zach offer was countered by the Doyles by counter-offer dated June 29, 1999 and drafted by Droessler. This counter states, in part, that "Seller will have 40 days beyond date of loan approval on sale of buyers home located at 663 Maryville Hgts, Dr, Hazel Green, WI to find suitable housing."

12. The Zachs did not accept the Doyle counter.

13. The Zachs countered the Doyles with a July 2, 1999 counter-offer drafted by Droessler.

14. The Doyles accepted the Zach offer.

15. The accepted Zach offer does not provide for a contingency of finding suitable housing. Instead, the accepted counter states: "Buyer agrees to give seller 40 days beyond date of loan approval on the sale of Buyers home located at 663 Maryville Hgts Dr., Hazel Green, WI 53811." The intent of this language, according to Droessler, was to provide to the Zachs 40 days within which to obtain suitable housing and if they failed to do so, the transaction would not close.

16. Subsequent to July 2, 1999 the Doyles decided that they did not want to sell the property and they did not find "suitable housing".

17. On or about August 29, 1999 the Zachs requested return of the \$2,000.00 earnest money being held by Dominic Goodman.

18. On or about August 30, 1999 Droessler and Dominic-Goodmann returned the earnest money to Zachs. At no time did Droessler or Dominic-Goodmann draft a written disbursement agreement for the signature of the Doyles and the Zachs, as is required by the terms of the offer to purchase, lines 252-262.

19. Subsequent to August 30, 1999 the Zachs demanded of the Doyles that the transaction proceed to closing. The Doyles refused to do so. The Zachs threatened legal action against the Doyles and the Doyles, on advice of counsel, compensated the Zachs approximately \$5,000.00 in settlement of the dispute over the contract.

20. At the time of the above circumstances and for numerous years prior to that time, Dominic-Goodmann conducted brokerage services in the state of Wisconsin without being licensed as a real estate corporation in Wisconsin under chapter 452 of the Wisconsin Statutes.

21. At all times material hereto, Dominic-Goodmann failed to maintain an interest bearing real estate trust account required under section 452.13 of the Wisconsin Statutes and failed to file a consent to audit form with the Department of Regulation and Licensing for the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 of the Wisconsin Statutes.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to section 227.44(5) of the Wisconsin Statutes.
3. Respondent **Dominic Goodman Real Estate, Ltd.**, license 91-835335 has violated:
 - a. Sections 452.03 and 452.13(4)(L) of the Wisconsin Statutes by conducting real estate brokerage activities in the state of Wisconsin without being licensed to do so.
 - b. Sections RL 24.025(2) and 24.08 of the Wisconsin Administrative Code and sections 452.135(1), 452.137(1) and 452.14(3)(i) of the Wisconsin Statutes by providing real estate brokerage services as a "buyer broker" to Zachs without a written and signed agency agreement authorizing those services.
 - c. Section 452.14(3)(i) of the Wisconsin Statutes by disbursing earnest money without a written and signed disbursement agreement and in a manner contrary to the terms of the offer to purchase that Droessler drafted on behalf of the parties.
4. Respondent **Dominic W. Goodman III**, license 90-17050 has violated:
 - a. Sections RL 17.08(1) and (2) of the Wisconsin Administrative Code, by failing to properly supervise the brokerage activities offered by Dominic-Goodmann Real Estate, Ltd., in the state of Wisconsin, including those services provided by Nancy Droessler as described herein.

ORDER

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

IT IS FURTHER ORDERED, that the real estate license of Respondent DOMINIC GOODMAN REAL ESTATE, LTD., license # 91-835335, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that the real estate license of Respondent DOMINIC W. GOODMAN III, license # 90-17050, is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent DOMINIC W. GOODMAN III, license #90-17050, within six months of the date of this Order, successfully complete the 36 hour real estate broker's prelicensing course, as set forth in Chapter RL 25.02(2) of the Wisconsin Administrative Code, 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, Wisconsin 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 DOMINIC W. GOODMAN III, 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 DOMINIC W. GOODMAN III, 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 DOMINIC W. GOODMAN III, 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.

IT IS FURTHER ORDERED, that in the event DOMINIC W. GOODMAN III, fails to pay costs of \$300.00 within the time and in the manner as set forth above, then his real estate license shall be 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 his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 00 REB 019 be, and hereby is closed.

Dated this 27th day of July, 2000.

WISCONSIN REAL ESTATE BOARD

By: James Imhoff

A member of the Board