

# 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:**

**KATHY J. BAIER**  
**RESPONDENT**

**FINAL DECISION AND ORDER**  
**LS0101251REB**

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

Kathy J. Baier  
PO Box 38  
Allenton, WI 53002

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 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. **Kathy J. Baier** ("Baier"), date of birth 3/29/75, is licensed in the State of Wisconsin as a real estate salesperson having license # 94-44314. This license was first granted to her on 12/19/95. Baier's most recent address on file with the Department of Regulation and Licensing is PO Box 38, Allenton, WI 53002.
2. At all times relevant to the facts set forth below Baier was a real estate salesperson employee of Kettle Moraine Realty LTD, d/b/a Wisconsin Kettle Moraine Properties, 1225 Hwy NN, West Bend, WI 53095.
3. On January 1, 1999, Baier's Wisconsin real estate salesperson license expired and was not renewed by her until January 3, 2000. During that time frame she continued to practice real estate involving approximately 23 transaction as exemplified in paragraphs 4 and 5 below.
4. On or about January 23, 1999, Thomas and Donna Wright entered into a Residential Listing Contract-Exclusive Right To Sell agreement with Baier for the sale of their property located at 2007 Miller St., West Bend, WI. The listing price was \$129,900.00. Terms of the contract set forth at lines 55 and 56 indicate that the contract was to expire on July 23, 1999. A copy of the Residential Listing Contract-Exclusive Right To Sell agreement dated January 23, 1999, is attached as **Exhibit 1** and is incorporated herein by reference.

5. On or about August 21, 1999, Kelmuth and Carol Wagner entered into a Residential Listing Contract-Exclusive Right To Sell agreement with Baier for the sale of their property located at 601 Church St., Hartford, WI. The listing price was \$96,900.00. Terms of the contract set forth at lines 55 and 56 indicate that the contract was to expire on October 15, 1999. A copy of the Residential Listing Contract-Exclusive Right To Sell agreement dated August 21, 1999, is attached as **Exhibit 2** and is incorporated herein by reference.

### 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 **Kathy J. Baier** has violated:
  - a. Wis. Adm. Code sec. RL 24.17(3) and Wis. Stats. sec. 452.03, Wis. Stats. sec. 452.12(5)(b), Wis. Stats. sec. 452.14(3)(i) and 452.14(3)(L) by practicing real estate without having a valid Wisconsin real estate license between January 1, 1999, and January 3, 2000.

### ORDER

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

IT IS FURTHER ORDERED, that Respondent **Kathy J. Baier**, license #94-44314, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Kathy J. Baier**, pay partial costs of this matter in the amount of \$200.00, 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 **Kathy J. Baier** fails to pay the \$200.00 partial costs within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **Kathy J. Baier**, her real estate salesperson's 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 partial costs have been paid to the Department of Regulation and Licensing and her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 99 REB 362 be, and hereby is, closed as to Respondent Kathy J. Baier.

Dated this 25<sup>th</sup> day of January, 2001.

### WISCONSIN REAL ESTATE BOARD

James Imhoff, Jr.

A member of the Board