

# 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:**

**JOE LEMEL & LEMEL HOMES INC.  
RESPONDENTS**

**FINAL DECISION AND ORDER  
LS0101253REB**

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

Joe Lemel

7161 N. Port Washington

Glendale, WI 53217

Lemel Homes Inc.

PO Box 17558

Milwaukee, WI 53217

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. Joe Lemel ("Lemel"), date of birth 02/04/52, is licensed in the State of Wisconsin as a real estate broker having license # 90-12076. This license was first granted to him on 02/21/73. Lemel's most recent address on file with the Department of Regulation and Licensing is, 7161 N. Port Washington Rd., Glendale, WI 53217.

2. At all times relevant to the facts set forth below Lemel was the real estate Broker /Owner of Lemel Homes Inc., PO Box 17558, Milwaukee, WI 53217. Lemel Homes Inc. is licensed as a Real Estate Business entity having license # 91-31585 first granted on March 14, 1984.

3. At all times relevant to the facts set forth below Christine M. Weissgerber was a real estate salesperson employee of Lemel Homes Inc. Lemel was her broker/employer.

4. On January 1, 1999, Weissgerber's Wisconsin real estate salesperson license expired and was inadvertently not renewed by her until May 22, 2000. During that time frame she acted as a salesperson in at least 2 transaction as exemplified in paragraphs 5 and 6 below.

5. On or about January 21, 2000, Weissgerber drafted a Counter-Offer on behalf of Raymond and Jackie Konetz for the purchase of property located at 4755 Vanderheyden Dr., Franklin, WI. The purchase price was to be \$209,500.00 provided certain terms and conditions were met. A copy of the Counter-Offer dated January 21, 2000, is attached as **Exhibit 1** and is incorporated herein by reference.

6. On or about April 3, 2000, Weissgerber drafted a Residential Offer To Purchase on behalf of Henry and Barbara Hummel for the purchase of property located at 12695 Lakeland Dr., New Berlin, WI. The offered price was \$360,000.00 with closing to occur no later than May 1, 2000. Earnest money in the amount of \$500.00 accompanied the Offer and additional earnest money in the amount of \$4,500.00 was to be paid within 5 days of acceptance. A copy of the April 3, 2000, Residential Offer to Purchase 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. Respondents **Joe Lemel and Lemel Homes Inc.** have violated:

a. Sections RL 17.07 and RL 24.17(3) of the Wisconsin Administrative Code and sections 452.12(3)(a), 452.14(3)(i), and 452.14(3)(L) of the Wisconsin Statutes by failing to check Christine M. Weissgerber's licensing status at the beginning of the 1999 biennial licensing period and by allowing her to continue to act as a real estate agent while unlicensed from January 1, 1999, until May 22, 2000.

### ORDER

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

IT IS FURTHER ORDERED, that Respondent **JOE LEMEL**, license #90-12076, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that **LEMEL HOMES INC.** license # 91-31585 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **JOE LEMEL**, pay **partial costs** of this matter in the amount of \$250.00, 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 **JOE LEMEL** fails to pay the \$250.00 **partial costs** within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **JOE LEMEL**, his real estate broker'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 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 112 be, and hereby is, closed as to Respondents Joe Lemel and Lemel Homes Inc.

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

### WISCONSIN REAL ESTATE BOARD

James Imhoff, Jr.

A member of the Board

