

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

MARTIN L. KNUTH & KETTLE
MORAIN REALTY LTD,
RESPONDENTS

FINAL DECISION AND ORDER

LS0101254REB

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

Martin L. Knuth
1225 Hwy NN
West Bend, WI 53095

Kettle Moraine Realty LTD
1225 Hwy NN
West Bend, WI 53095

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. Martin L. Knuth ("Knuth"), date of birth 05/24/43, is licensed in the State of Wisconsin as a real estate broker having license # 90-47870. This license was first granted to him on 02/24/95. Knuth's most recent address on file with the Department of Regulation and Licensing is, 1225 Hwy 143, West Bend, WI 53095.
2. At all times relevant to the facts set forth below Knuth was the real estate

Broker /Owner of Kettle Moraine Realty LTD, d/b/a Wisconsin Kettle Moraine Properties, 1225 Hwy NN, West Bend, WI 53095. Kettle Moraine Realty, LTD is licensed as a Real Estate Business entity having license # 91-834598 first granted on August 22, 1994. Its license expired on January 1, 1999, and was not renewed until June 23, 2000.

COUNT I

3. On January 1, 1999, Knuth's Wisconsin real estate broker's license expired and was not renewed by him until June 23, 2000. During that time frame he and his firm, Kettle Moraine Realty LTD, continued to practice real estate as exemplified in paragraphs 4 – 9 below.

4. On or about February 6, 1999, John and Donna Wicklund entered into a Vacant Land Listing Contract-Exclusive Right To Sell agreement with Knuth for the sale of their property located at Parcel 3 of CSM 4321, Barton, WI. The listing price was \$140,000.00. Terms of the contract set forth at lines 59 and 60 indicate that the contract was to expire on July 6, 1999. A copy of the Vacant Land Listing Contract-Exclusive Right To Sell agreement is attached as **Exhibit 1** and is incorporated herein by reference.

5. On or about June 10, 2000, David and Kara Geier entered into a Residential Listing Contract-Exclusive Right To Sell agreement with Knuth and Wis Kettle Moraine for the sale of their property located at 524 Clearview, West Bend, WI. The listing price was \$125,900.00. Terms of the contract set forth at lines 39 and 40 indicate that the contract was to expire on September 10. A copy of the Residential Listing Contract-Exclusive Right To Sell agreement is attached as **Exhibit 2** and is incorporated herein by reference.

COUNT II

6. At all times relevant to the facts set forth below Kathy J. Baier was a real estate salesperson employee of Kettle Moraine Realty LTD, 1225 Hwy NN, West Bend, WI 53095. Knuth was her broker/employer.

7. 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 acted as a salesperson in approximately 23 transaction as exemplified in paragraphs 8 and 9 below.

8. 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 is attached as **Exhibit 3** and is incorporated herein by reference.

9. 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 is attached as **Exhibit 4** 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 **Martin L. Knuth and Kettle Moraine Realty LTD** have 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 Wis. Stats. sec. 452.14(3)(L) by practicing real estate without having a valid Wisconsin real estate license between January 1, 1999, and June 23, 2000.

b. Sections RL 17.07 and RL 24.17(3) of the Wisconsin Administrative Code and sections 452.03, 452.12(3)(a), 452.14(3)(i), and 452.14(3)(L) of the Wisconsin Statutes by failing to check Kathy Baier's licensing status at the beginning of the 1999 biennial licensing period and in allowing her to continue to act as a real estate agent while unlicensed from January 1, 1999, until her termination of employment in approximately December 1999.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Martin L. Knuth**, license #90-47870, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Kettle Moraine Realty LTD** d/b/a Wisconsin Kettle Moraine Properties, license # 91-834598 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Martin L. Knuth**, 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 Respondent **Kettle Moraine Realty LTD** d/b/a Wisconsin Kettle Moraine Properties, 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 **Martin L. Knuth** 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 **Martin L. Knuth**, 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 in the event Respondent **Kettle Moraine Realty LTD** d/b/a Wisconsin Kettle Moraine Properties 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 **Kettle Moraine Realty LTD** d/b/a Wisconsin Kettle Moraine Properties its real estate business entity'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 99 REB 362 be, and hereby is, closed as to Respondents Martin L. Knuth and Kettle Moraine Realty LTD.

Dated this 25th day of January, 2001.

WISCONSIN REAL ESTATE BOARD

James Imhoff, Jr.

A member of the Board