

# 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:**

**DUSAN MATIC**

**RESPONDENT**

**FINAL DECISION AND ORDER**

**LS0203282REB**

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

Dusan Matic

1612 12<sup>th</sup> St.

Kenosha, WI 53140

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. **Dusan Matic** ("Respondent"), date of birth 02/03/57, is licensed in the State of Wisconsin as a real estate broker having license # 90-46740. This license was first granted to him on 02/05/93. Respondent's most recent address on file with the Department of Regulation and Licensing is 1612 12<sup>th</sup> St., Kenosha, WI 53140.
2. At all times relevant hereto, Respondent was the real estate broker for A-1 Realty, Inc., located at 1612 12<sup>th</sup> St., Kenosha, WI 53140.
3. In the latter part of 1999, Pero Matic was preparing to sell a rental property he owned located at 1601 57<sup>th</sup> St., Kenosha, WI. Pero Matic is Respondent's father. In September or October 1999, Sandra Springer approached Mr. Matic and expressed an interest in purchasing the property. Matic does not speak English fluently so Springer asked Respondent to help her with the purchase. Springer informed Respondent that she would have to wait a couple of months before she could purchase the property in order to obtain the money needed for a down payment.
4. On or about December 27, 1999, Respondent drafted a Residential Offer To Purchase on behalf of Springer for the 1601 57<sup>th</sup> property. Line 1 of the Residential Offer to Purchase indicates that Respondent is acting as agent of Seller. Line 183 of the Offer states: "Seller is father of the Broker." The offered price was \$84,000.00, with closing to take place no later than January 25, 2000. The Springer Offer with Addendums A and S were presented

to Matic by Respondent on December 27, 1999, and accepted that same day. A copy of the RESIDENTIAL OFFER TO PURCHASE with ADDENDUMS A and S are attached as **Exhibit 1** and is incorporated herein by reference.

5. On or about March 8, 2000, Respondent drafted an AMENDMENT TO OFFER TO PURCHASE for Springer changing the closing date from January 25, 2000, to March 15, 2000. Lines 9-13 of the Amendment read: " 'Raymond Haney' to be added to Line # 2 of the offer as one of the buyers." This Amendment was accepted by Pero Matic on March 8, 2000. A copy of the March 8, 2000, AMENDMENT TO OFFER TO PURCHASE is attached as **Exhibit 2** and is incorporated herein by reference.

6. The transaction closed on March 10, 2000.

7. At no time relevant to the facts set forth above did Respondent have a written listing agreement with Pero Matic.

8. At no time relevant to the facts set forth above did Respondent provide Sandra Springer and Raymond Haney a copy of a written agency disclosure form required under section 452.135 of the Wisconsin Statutes.

### 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 **Dusan Matic** has violated:

a. Sections RL 16.04(1), RL 24.07(8)(a) 1 and RL 24.08 of the Wisconsin Administrative Code and sections 452.135(2), 452.14(3)(i) and 452.14(3)(L) of the Wisconsin Statutes by failing to have a written listing agreement with Pero Matic and by failing to provide a copy of a written agency disclosure form to Sandra Springer and Raymond Haney.

### ORDER

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

IT IS FURTHER ORDERED, that Respondent **Dusan Matic**, license #90-46740, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Dusan Matic**, within six months of the date of this Order, successfully complete the following course modules from the 36 hour pre-licensing real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

a. The Approved Forms module-section RL 25.02(2)(b), of the Wisconsin Administration Code and,

b. The Business Ethics module-section RL 25.02(2)(g), of the Wisconsin Administration 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, 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 **Dusan Matic** 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 **Dusan Matic**, 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 **Dusan Matic**, pay **PARTIAL COSTS** in this matter in the amount of a \$300.00, 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 **Dusan Matic** fails to pay the \$300.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Dusan Matic**, his real estate 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 partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 01 REB 147 be, and hereby is, closed.

Dated this 28<sup>th</sup> day of March, 2002.

**WISCONSIN REAL ESTATE BOARD**

James Imhoff, Jr.

A member of the Board