

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
RICHARD D. ROGERS :  
RESPONDENT. : LS0302251REB

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

Richard D. Rogers  
2411 E. Main St.  
Merrill, WI 54452

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. Richard D. Rogers ("Rogers"), date of birth 1/05/36, is licensed in the State of Wisconsin as a real estate broker having license # 90 11841. This license was first granted to him on 2/1/74. Rogers' most recent address on file with the Department of Regulation and Licensing is 2411 E. Main St., Merrill, WI 54452.
2. At all times relevant to the facts set forth below Rogers was the real estate broker/owner d/b/a Double R Realty in Merrill, WI.
3. On or about August 10, 1999, William and Mary Jo Blemke entered into a RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL agreement with Rogers for the sale of their property located at 109 Lake St., Merrill, WI. The listing price was \$75,500.00. Terms of the contract set forth at line 39 that the Broker's commission shall be 7%. A copy of the RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL agreement is attached as Exhibit 1 and is incorporated herein by reference.
4. On or about October 23, 1999, the list price on the RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL agreement (Exhibit 1) was changed from \$75,500.00 to \$69,500.00 by AMENDMENT TO LISTING CONTRACT. A copy of the AMENDMENT TO LISTING CONTRACT as prepared by Rogers is attached as Exhibit 2 and is incorporated herein by reference.
5. On or about November 13, 1999, licensee Elaine Simon, C21 Best Way Realty drafted a RESIDENTIAL OFFER TO PURCHASE on behalf of George Japke for the 109 Lake St. property. The offered price was \$60,000.00 with closing to occur no later than December 3, 1999. Earnest money in the amount of \$100.00 was to be paid within 5 days of acceptance. A copy of the November 13, 1999, RESIDENTIAL OFFER TO PURCHASE is attached as Exhibit 3 and is incorporated herein by reference.
6. On November 15, 1999, the Blemkes countered the Offer (Exhibit 3) deleting some inclusions that were listed on lines 13

and 14 of the RESIDENTIAL OFFER TO PURCHASE and changing the closing date from December 3, 1999 to December 9, 1999. A copy of Blemke's COUNTER- OFFER is attached as Exhibit 4 and is incorporated herein by reference.

7. On December 11, 1999, the commission on the RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL agreement (Exhibit 1) was changed from 7% to 12% by AMENDMENT TO LISTING CONTRACT, also listed was the co-broke commission of 40% of 7%. A copy of the AMENDMENT TO LISTING CONTRACT as prepared by Rogers is attached as Exhibit 5 and is incorporated herein by reference.

8. Rogers obtained a list of Judgments that had been filed with Lincoln County Circuit Court, and in order to facilitate the closing on the 109 Lake St. property, Rogers secured several Satisfaction of Judgments. After negotiating agreeable amounts with the various parties, Rogers completed the Satisfaction of Judgments. Upon completion, Rogers forwarded the forms to the various lien holders for their signature; they are: John Esser, Janeen La Monica, John Payne and Dan Rajek, D.D.S.SC. Copies of the SATISFACTION OF JUDGMENTS that Rogers completed are attached as Exhibit 6 a-d and are 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 RICHARD D. ROGERS has violated:
  - a. Sections RL 16.05(1) and RL 24.06 of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by engaging in activity that constitutes the unauthorized practice of law.

## **ORDER**

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

IT IS FURTHER ORDERED, that Respondent RICHARD D. ROGERS, license # 90-11841, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent RICHARD D. ROGERS, within six months of the date of this Order, successfully complete the following **COURSE MODULE** 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.
- b. The Business Ethics module-section RL 25.02(2)(g), of the Wisconsin Administration Code.

and submit proof of the same to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935, in the form of verification from the institution providing the education. 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 RICHARD D. ROGERS, 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 RICHARD D. ROGERS, 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 RICHARD D. ROGERS, pay **PARTIAL COSTS** of this matter in the amount of **\$300.00 within 90 days** of the date of this Order by making payment of the same to the

**Department Monitor**  
**Division of Enforcement**  
**Department of Regulation and Licensing**  
**PO Box 8935**  
**Madison, WI 53708-8935**

IT IS FURTHER ORDERED, that in the event Respondent RICHARD D. ROGERS, 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 RICHARD D. ROGERS, 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 costs have been paid to the Department of Regulation and Licensing and his failure to pay the cost shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 00 REB 070 be, and hereby is, closed.

Dated this 24<sup>th</sup> day of April, 2003.

WISCONSIN REAL ESTATE BOARD

By: Richard Kollmansberger

A member of the Board