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STATE OF WISCONSIN

BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MAX A. GYGI
RESPONDENT.

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FINAL DECISION AND ORDER

LS0310232REB

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

Max A. Gygi
1920 Donegal Dr. Apt. 200
Woodbury, MN 55125

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. **Max A. Gygi**, ("Gygi"), date of birth 01/24/70, is licensed in the state of Wisconsin as a real estate salesperson having license # 94-52691. This license was first granted to him on 02/19/01. Gygi's most recent address on file with the Department of Regulation and Licensing is 1920 Donegal Dr. Apt. 200, Woodbury,

2. At all times relevant to the facts contained herein, Gygi was not a licensee in Wisconsin but was a real estate agent of ReMax Results located at 1920 Donegal Dr. Apt. 200, Woodbury, MN 55125.

3. In November 2000, Mark Gingras (Gingras) met with Gygi regarding the selling of Gingras's property located at 225 Pine St., Glenwood City, WI. Gingras and Gygi grew up together and had been friends for a number of years. Gygi explained to Gingras that he was not licensed to sell real estate in Wisconsin but he would do what he could to help.

4. After their initial meeting in November 2000, Gygi began to search for comparable properties using MLS. After completing his search, Gygi advised Gingras that his property should sell between \$100,00.00 and \$110,000.00. Gingras told Gygi that he was going to try to sell his property himself.

5. In December of 2000, Gingras contacted Gygi and stated that he had a potential buyer for his property and asked Gygi if he would assist him. Gygi was present while the potential buyer was viewing Gingras's property. Gygi explained to the potential buyer that he was not licensed in Wisconsin. The potential buyer completed an Offer To Purchase agreement for the signature of Gingras but Gygi advised him not to sign the Offer because the potential buyer was not willing to include earnest money with the Offer.

6. At the end of December, Gingras informed Gygi that he was ready to list his property with a real estate agent and asked Gygi to help him find a Wisconsin realtor. Gygi gave him three names of agents in Wisconsin including licensee Dale Strohbeen (Strohbeen). Strohbeen had already been in contact with Gingras about obtaining the listing on his property. Because of that prior contact and talking with Gygi, Gingras decided to list his property with Strohbeen. Strohbeen is a real estate broker-employee of Coldwell Banker Valley Real Estate located at 204 S. Knowles Ave., New Richmond, WI 54017.

7. During this time, Gygi was actively searching for properties in Wisconsin for potential buyers, Ted and Sherry Prokop (Prokop). Eventually, Gygi showed Gingras's property to the Prokops and they decided that they would like to write an Offer. Gygi referred the Prokops to John Lockner (Lockner), a Wisconsin licensee with Remax Results in order for him to draft the Offer.

8. On or about January 4, 2001, Gygi forwarded a Referral Agreement to Strohbeen for 25% of the listing commission. Strohbeen explained to Gygi that he had already been in contact with Gingras and didn't feel that he owed Gygi a referral fee. Gygi told Strohbeen that if he did not sign the Referral Agreement that he would refer Gingras to another agent. Strohbeen agreed to the terms of the Referral Agreement and Mary Strohbeen (Dale Strohbeen's wife) signed the Agreement. Mary Strohbeen is a licensed broker and is also an agent of Coldwell Banker Valley Real Estate. A copy of the Referral Agreement is attached as **Exhibit 1** 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 **Max A. Gygi** has violated:

a. Sections 452.03, 452.14 (3)(i) and 452.14 (3)(L) of the Wisconsin Statutes by providing advice to Gingras regarding those matters within the scope of the knowledge, skills and training required for licensing as a broker or salesperson in the State of Wisconsin and by failing to have a license to do so.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Max A. Gygi**, license # 94-52691, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Max A. Gygi**, pay **PARTIAL COSTS** in this matter in the amount of \$500.00, within 30 days of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **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 **Max A. Gygi** fails to pay the \$500.00 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 **Max A. Gygi**, 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 099 be, and hereby is, closed.

Dated this 23rd day of October, 2003.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger

A member of the Board