

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD**

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
RAYMOND HART, : **LS04092312REB**
RESPONDENT. :

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

Raymond Hart
256 West Madison St.
Black River Falls, WI 54615

Attorney Scott K. Peterson
DeWitt Ross & Stevens S.C.
2 E. Mifflin St.
Madison, WI 53703-2865

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. Raymond Hart is licensed in the state of Wisconsin as a real estate broker having license # 90-43358. This license was first granted to him on September 30, 1988. Mr. Hart's most recent address on file with the Department of Regulation and Licensing is 256 West Madison St., Black River Falls, WI 54615. Mr. Hart held his real estate broker's license at all times relevant to the facts contained herein.

2. In February 2001, Mr. Hart spoke to Ron Wirtz about Mr. Wirtz's interest in purchasing a house and sent Mr. Wirtz information about a number of properties, including a house owned by Marian and Paul Skolos at 206 North 8th Street, Black River Falls, Wisconsin.

3. After viewing the property, Mr. Wirtz expressed an interest in making an offer on the Skolos property. Mr. Hart prepared and faxed the following documents to Mr. Wirtz:

- a 5-page offer,
- a 2-page property condition report,
- a 1-page seller disclosure form, and
- a 3-page lead-based paint disclosure form.

4. On March 12, 2001, Mr. Wirtz signed and returned the offer to Mr. Hart. He did not sign or return the lead-based paint disclosure form.

5. On approximately April 15, 2001, Mr. Hart reviewed the file. The lead-based paint disclosure form was not in the file. Mr. Hart did not contact Mr. Wirtz about the form, but instead signed Mr. Wirtz's name to the form and placed it in the file.

6. Following counter-offers and amendments, an offer from Mr. Wirtz was accepted by Mr. and Mrs. Skolos on April 17, 2001. The transaction closed on May 16, 2001.

7. In June of 2002, Mr. Wirtz and an attorney requested a copy of the transaction file from Mr. Hart. At that time and in subsequent proceedings, Mr. Hart readily admitted his violation. As the result of a civil lawsuit, Mr. Hart paid a substantial monetary settlement, and in doing so he lost his share of his real estate partnership as well as the office building and future earnings.

CONCLUSIONS OF LAW

I. The Wisconsin Real Estate Board has personal jurisdiction over the Respondent, Raymond Hart, based on his holding a credential issued by the Board, and subject-matter jurisdiction to act in this matter pursuant to Wis. Stat. sec. 452.14.

II. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. sec. 227.44(5).

III. By his conduct in Finding of Fact 5 above, Mr. Hart has violated Wis. Admin. Code sec. RL 24.025 (1), Wis. Admin. Code sec. RL 24.06 (2) (b), Wis. Stat. sec. 452.133 (1) (a) and (c), and Wis. Stat. sec. 452.14 (3) (k). These violations support the imposition of discipline as authorized by Wis. Stat. sec. 452.14 (3).

ORDER

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

IT IS FURTHER ORDERED, that Respondent Raymond Hart be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED, that Mr. Hart pay partial costs in this matter in the amount of \$250.00, within 60 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 Mr. Hart fails to pay the \$250.00 partial costs within the time and in the manner as set forth above, Mr. Hart's 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. Failure to pay the partial costs as ordered may be considered a violation of a Board Order.

IT IS FURTHER ORDERED, that file 03 REB 159 be, and hereby is, closed.

Dated this 23rd day of September, 2004.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger
A member of the Board