

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**
JAMES B. TAIT & TAIT REALTY INC., :
RESPONDENTS. :
 : **LS0409239REB**

Division of Enforcement Case File #: 03 REB 273

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

James B. Tait
PO Box 882
Minocqua, WI 54548

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 Real Estate Board (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. James B. Tait ("Tait"), date of birth 03/04/25, is licensed in the State of Wisconsin as a real estate broker having license # 90-9346. This license was first granted to him on 05/12/76 and is current through 12/31/04. Tait's most recent address on file with the Department of Regulation and Licensing ("Department") is P.O. Box 882, Minocqua, WI 54548.
2. At all times relevant to the facts set forth below Tait was the real estate Broker /Owner of Tait Realty Inc., PO Box 882, Minocqua, WI 54548, licensed as a Real Estate Business entity having license # 91-833945. This license was first granted on 03/13/90 and is current through 12/31/04.
3. On January 1, 2003, Heidi M. Diers' (Diers) Wisconsin real estate broker's license expired and was not renewed until May 3, 2004.
4. At all times relevant to the facts set forth, Diers' was a real estate broker/employee of Tait Realty Inc.
5. On or about December 5, 2003, the Department received a Notice of Termination of Employment of Broker or Salesperson stating that Diers was terminating her employment with Tait Realty. The document indicated an effective date of December 1, 2003, for the termination.
6. Upon receipt of the Notice of Termination of Employment of Broker or Salesperson, Department personnel noted that Diers' real estate broker's license had expired as of January 1, 2003. Tait Realty was contacted by the Department regarding

Diers' real estate sales activities after her license had expired.

7. On March 1, 2004, James T. Tait responded to the Department's inquiry and admitted that Diers was involved in at least two real estate transactions while unlicensed and while yet employed by Tait Realty Inc.
8. Diers is no longer practicing real estate.

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 James B. Tait and Tait Realty Inc. have violated:
 - a. 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 Heidi M. Diers' licensing status at the beginning of the 2003 biennial licensing period and in allowing her to continue to act as a real estate agent in at least two real estate transactions while she was unlicensed, i.e. from January 1, 2003, until she terminated employment in December, 2003.

ORDER

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

IT IS FURTHER ORDERED, that Respondent James B. Tait, license #90-9346, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent Tait Realty Inc., license #91-833945, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondents, pay a **FORFEITURE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$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 Respondents, pay **COSTS** of this matter in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**, 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 a down payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be submitted within thirty (30) days from the date of this order and another payment of **FIVE HUNDRED DOLLARS (\$500.00)** will be due three months from the date of this order until the full **SEVEN HUNDRED FIFTY DOLLARS (\$750.00)** is paid. Payments 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 Respondents fail to timely submit payments as set forth above, James B. Tait, license #90-9346 and Tait Realty Inc., license #91-833945 shall be **SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

IT IS FURTHER ORDERED, that file 03 REB 273 be, and hereby is, closed.

Dated this 23rd day of September, 2004.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger
A member of the Board