

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

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

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
HARVEY A. RICH, :
RESPONDENT. : **LS05022411REB**

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

Harvey A. Rich
1801 S Greenbay Rd
Racine, WI 53405

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. **Harvey A. Rich**, date of birth 09/12/41, is a licensed real estate broker in the State of Wisconsin, license # 90-46743, which was first granted on 02/08/93. Mr. Rich's most recent address on file with the Department of Regulation and Licensing is 1801 S. Greenbay Road, Racine, WI 53405.

2. On or about August 1, 2001, Mr. Rich sold a piece of landlocked property adjacent to property owned by Marvin Gleason in Racine County, and informed the buyer that the property could be accessed via an easement over Mr. Gleason's property.

3. Mr. Rich had been told by the previous owner of the allegedly land-locked property there was a "38-year unrecorded easement" over Mr. Gleason's property, and this was written into the Offer to Purchase between Mr. Rich as seller and the new buyer.

4. Mr. Gleason had a conversation with Mr. Rich prior to the sale in which Mr. Gleason told Mr. Rich that no easement existed.

5. Mr. Rich did not disclose to the buyer of his property the fact that Mr. Gleason disputed the existence of the easement.

6. After the transaction closed, Mr. Gleason filed a civil suit against Mr. Rich over the existence of the easement.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above in paragraphs 2-5, above, constitutes a violation of:

a. Wisconsin Administrative Code § RL 24.07(3), and Wis. Stat. § 452.133(1)(c) by failing to disclose to the buyer information suggesting the possibility of a material adverse fact regarding the dispute of the existence of the easement, thereby under Wisconsin Administrative Code § RL 24.01(3), demonstrating incompetency to act as a real estate broker in a manner as to safeguard the interests of the public under Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Harvey A. Rich**, license #90-46743be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent shall, within 60 days of the date of this Order, pay a forfeiture in the amount of \$500.00.

3. Respondent shall within 60 days of the date of this Order, pay partial costs of this proceeding in the amount of \$600.00.

Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment as ordered the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Richard Kollmansberger
A Member of the Board

2-24-05
Date