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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JOHN J. LASKO, :
RESPONDENT. : LS05041412REB

Division of Enforcement Case File # 02 REB 262

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

John J. Lasko
22847 Hwy 27
Cashton, WI 54619

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. **John J. Lasko**, date of birth 08/20/40, is a licensed real estate salesperson in the State of Wisconsin, license # 94-41998, which was first granted on 08/24/94. Mr. Lasko's most recent address on file with the Department of Regulation and Licensing is 22847 Hwy 27, Cashton, WI 54619.
2. At all times relevant to the facts set forth below, Mr. Lasko was working as a real estate salesperson for Western Wisconsin Realty and Insurance Company.
3. On or about March 17, 1999, Mr. Lasko entered into a Farm Listing Contract Exclusive Right To Sell with Alvin and Lori Hurtz for the sale of their 176 acre farm located at 28094 Nestle Rd., Cashton, WI. The listing price was \$250,000.00.
4. On or about May 11, 1999, Shelaine Bennett, an agent for Century 21 Preferred Choice, drafted a Farm Offer To Purchase for Terry and Nancy Wright. The Offer was for the purchase of not the entire 176 acres but for only 100 acres and the buildings. The purchase price was to be \$250,000.00.
5. On or about May 15, 1999, the Hurtzes countered Mr. and Mrs. Wright's offer and the Wrights countered back with one of the condition being that the sellers were to pay for surveying the 100 acres and buildings. This counter was accepted on May 18, 1999.
6. As a result of selling only 100 acres with the buildings, it left the remaining 76 acres landlocked. Mr. Lasko and the Hurtzes understood that they would need an easement so that the Hurtzes could access their remaining 76 acres. Mr. Lasko never amended the listing contract or the survey.
7. The Hurtzes hired Paragon Associates to survey their property and Mr. Hurtz informed the surveyor that an easement was needed from the remaining 76 acres out to Nestle Road.
8. Two days before closing, the parties to this transaction, including Mr. Lasko, met at the Hurtzes' farm to review the survey. The survey did not incorporate the easement between the parcel being retained by the Hurtzes and Nestle Rd. The surveyor was instructed to revise the survey to include the easement.
9. Closing took place on June 18, 1999. Paragon Associates never sent the revised survey and legal description to the title company, or to anyone involved in the transaction.
10. In the fall of 1999, Mr. Lasko attempted to sell the Hurtzes' remaining 76 acres. Mr. Lasko did not realize that there was no easement to the property, but represented to potential buyers that there was.
11. In September 2000, Mr. Hurtz learned that the survey and legal description that was filed did not reflect the easement. It was when Mr. Hurtz listed the remaining 76 acres with another realtor that the omission was discovered.

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 paragraph 6, above, constitutes a violation of Wis. Adm. Code § RL 24.08, and Wis. Stat. § 452.133(1)(b), by failing to reduce to writing the easement needed for the Hurtzes' 76 acre parcel.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **John J. Lasko**, license #94-41998 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. **John J. Lasko**, within 12 months of the date of this Order, **successfully complete a business ethics class of the broker's course or an equivalent course on business ethics of at least 4 CE hours**, and submit proof of the same in the form of verification from the institution providing the course. 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.
3. **John J. Lasko** shall, within 60 days of the date of this Order, **pay costs of this proceeding in the amount of \$1,800.00**. 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 sanctions. If Respondent fails to timely submit any payment as ordered or fails to complete the education, 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 4-14-05
A Member of the Board Date