

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
WILLIAM BERLAND &, :
HOMESTEAD REALTY INC. : LS0504149REB
RESPONDENTS. :

Division of Enforcement Case Files 02 REB 122 & 04 REB 035

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

William Berland
Homestead Realty Inc.
6935 N. 76th St.
Milwaukee, WI 53223-5003

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. **William Berland** ("Berland"), date of birth 07/21/38, is a licensed real estate broker in the State of Wisconsin license # 90-27244, which was first granted on 03/14/1961. Berland's most recent address on file with the Department of Regulation and Licensing is 6935 N. 76th St., Milwaukee, WI 53223-5003.

2. At all times relevant to the facts set forth below Berland was the owner/president of **Homestead Realty Inc.** located at 6935 N 76th St., Milwaukee, WI 53223.

3. At all times relevant to the facts set forth below Robert D. Dethloff (Dethloff) was a real estate broker for Homestead Realty Inc.

4. Dethloff was the listing agent for commercial property located at 1325-1327-1327A & 1329 S. 70th St., Milwaukee, WI.

5. On or about October 3, 2003, Dorene Sager, a real estate agent for Louis Gral Inv. R.E., drafted a Commercial Offer To Purchase for James Katz for the 70th St. property. The offered price was \$410,000.00 and earnest money of \$10,000.00 was to be paid within 3 days of acceptance. This offer was accepted by the seller on October 7, 2003.

6. On or about October 9, 2003, Mr. Katz delivered the \$10,000.00 earnest money check to Ms. Sager's office Gral Inv. R.E., immediately mailed the earnest money check to Dethloff at his office located at 6935 N. 76th. St., Milwaukee, W

7. The earnest money check was sent in an envelope addressed to Dethloff. When received by Homestead Realty main office, the envelope was sent to a branch office and placed unopened into a file at Dethloff's work station. The check was deposited in a trust fund within 48 hours of its receipt.

8. On or about October 13, 2003, Dethloff went to Louis Gral Inv. R.E., office and asked about the location of the earnest money check. Dethloff was told that the check had been mailed to his office days earlier.

9. Contingencies of the sale were not satisfied and the transaction failed to close, and a Cancellation and Mutual Release was executed on November 12, 2003.

10. Dethloff was unable to locate the earnest money check, and as a result, Mr. Katz notified his bank to stop payment on the \$10,000.00 check, incurring a \$25.00 charge.

11. Dethloff located the \$10,000.00 check in his office and returned it to Mr. Katz on December 14, 2003, with an apology, but he refused to reimburse the \$25.00 stop payment charge until June 11, 2004.

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 7, above, constitutes a violation of:

a. Wis. Stat. § 452.12(3)(a) which provides that each broker is responsible for the acts of any broker, salesperson, or time-share salesperson employed by the broker, thereby subjecting Respondents to discipline pursuant to Wis. Stat. § 452.14(3)(L).

b. Wisconsin Administrative Code § RL 18.031(1), by failing to ensure the deposit of the earnest money in Homestead Realty Inc. trust account within 48 hours.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **William Berland**, license #90-25332 be, and hereby is, **REPRIMANDED**.

2. **Homestead Realty Inc.**, license #91 833274 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

3. **William Berland** shall complete no less than four (4) hours of continuing education, the subject of which shall be real estate law, and shall submit proof of same to the Department Monitor at the address contained in paragraph 4, below, within 60 days of the date of this Order, and shall not submit these same four (4) hours of continuing education in fulfillment of his continuing education requirements for the current biennium.

4. Respondents shall, within 60 days of the date of this Order, pay partial cost in the amount of \$1,000.00. A single payment of \$1,000.00 may be made by either respondent, and 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

5. 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 licenses SHALL BE SUSPENDED, without further notice or hearing. Respondents have complied with the terms of this Order. [\[smg1\]](#)

6. Case No. 02 REB 122 is hereby closed under prosecutorial discretion code P7, because although there may have been a violation, the Board has taken action by issuance of this Order that to these credential holders that has addressed the conduct, and further action is unnecessary.

7. 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

[\[smg1\]](#) This section should be the standard summary suspension provision: **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.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**