

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
ALEXANDRA R. WISELEY :
 : LS0602221REB
RESPONDENT. :

Division of Enforcement Case No. 03 REB 201

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Alexandra R. Wiseley
702 Oakfield Street
West Bend, WI 53090

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Real Estate Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Real Estate Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Alexandra R. Wiseley (“Respondent”) (DOB 08/24/1946) is duly licensed as a Real Estate Broker in the state of Wisconsin (90-43853). The license was first granted on 05/20/1990. The license expires on 12/31/2006. Respondent failed to renew her license in 1997, and was unlicensed from January 1, 1997, to April 29, 1997. Additionally, Respondent’s license renewal was denied on July 3, 1999, and was not permitted until September 7, 1999, due to tax delinquency.
2. Respondent's most recent address on file with the Wisconsin Real Estate Board is 702 Oakfield Street, West Bend, WI, 53090.
3. At all times relevant to this matter Respondent was doing business as AW Realty & Building.

Count I: Failure to Account for Money

4. On or about June 18, 2003, Respondent received \$600.00 in cash from M.J., a tenant residing in one of the

two apartment buildings described in paragraph 4, above. The sum received from M.J. was intended to be the security deposit on the apartment.

5. Respondent cannot account for the \$600.00.

6. Per Wis. Stat. § 452.14(3)(h), a licensee is subject to discipline if he or she has, “Failed within a reasonable time, to account for or remit any moneys coming into the broker’s possession which belong to another person.”

Count II: No Written Agency Agreement

7. M.J. has asserted that there was no written property management agreement between Respondent and himself. There is no proof or claim that such an agreement was entered into.

8. Per Wis. Stat. § 452.135(1), “No broker may provide services without an agency agreement that authorizes the broker to provide those brokerage services.”

9. Per Wis. Stat. § 452.01(1m), the term, “‘Agency agreement’ means a written agreement between a broker and a client under s. 452.135(1).”

10. Per Wis. Stat. § 452.14(3)(L), a licensee is subject to discipline if he or she has, “Violated any provision of this chapter.”

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

3. Alexandra R. Wiseley, by failing to account for cash received as a security deposit, as described in paragraphs 9-10, above, violated Wis. Stat. § 452.17(1), thereby subjecting herself to discipline per Wis. Stat. § 452.14(L).

4. Alexandra R. Wiseley, by providing brokerage services without an agency agreement, as described in paragraph 12, above, violated Wis. Stat. § 452.135(1), thereby subjecting herself to discipline per Wis. Stat. § 452.14(L).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of ALEXANDRA R. WISELEY to practice as a real estate broker in the State of Wisconsin and shall be, and hereby is, LIMITED for a period of one (1) year, said limitation to begin on June 1, 2006. During the period of limitation Alexandra R. Wiseley is prohibited from doing any act that cannot be undertaken by a licensed real estate salesperson, and may not represent herself to any client, customer or member of the public as a licensed real estate broker. Instead, she shall only refer to herself as a licensed Real Estate Salesperson, and may not use, show or display any document stating that she is a licensed real estate broker to any client, customer or member of the public.
2. If during the period of limitation, as described in the preceding paragraph, ALEXANDRA R. WISELEY will continue to do business as A W Realty and Builders, or will otherwise continue to practice as a real estate salesperson, then a licensed broker in good standing must contact the Department of Regulation and Licensing and indicate that he will be supervising her activities.
3. ALEXANDRA R. WISELEY shall pay costs of the Division of Enforcement in investigating this matter in the amount of \$1,700.00, within one year of the signing of this order.
4. ALEXANDRA R. WISELEY shall submit proof of the successful completion of sixteen (16) hours of education within one year of the signing of this order, with courses used in satisfaction of this Order being pre-approved by the assigned case advisor, and not being eligible for submission in fulfillment of Alexandra R. Wiseley’s continuing education requirements.

5. All payments, proof of education or other submissions required by or arising out of this Order shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

6. 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 Respondents' licenses. 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 Respondents fail to timely submit any payment of the forfeiture as set forth above, or fails to timely submit proof of completion of education as set forth above, the Respondents licenses (90-27125 and 91-700310) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order, and with the suspension called for in this Order not to begin until the other terms of the Order have been complied with.
7. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

4/27/06
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ALEXANDRA R. WISELEY	:	
	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case No. 03 REB 201

It is hereby stipulated between Alexandra R. Wiseley, Respondent; and attorney Mark A. Herman, for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (Case No. 03 REB 201). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided with the opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board’s final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Alexandra R. Wiseley, Respondent
702 Oakfield Street
West Bend, WI 53090

Date

Mark A. Herman, Attorney
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Date

[03 REB 201: Limitation, \$1700 costs.]