

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
 :
KATHY TUTT. : LS0611303REB
RESPONDENT. :
 :

[Division of Enforcement Case File #: 05 REB 093]

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

Kathy Tutt
3928 W. Weber Road
Mercer, WI 54547

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

PROCEDURAL HISTORY

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 Wisconsin 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. Kathy Tutt, date of birth 12/21/59, is licensed in the State of Wisconsin as a real estate salesperson having license #90-38780. This license was first granted on 09/23/86.
2. Respondent’s last reported address on file with the Department of Regulation and Licensing (“Department”) is: 3928 W. Weber Road, Mercer, Wisconsin 54547.
3. At all times relevant to the facts stated below, the Respondent was employed as a supervising broker and manager at Derek Larson D/B/A Coldwell Banker Larson Realty. Mr. Larson is the owner and a real estate broker of Coldwell Banker Larson Realty having license #090 16772. This license was granted on 03/15/77.
4. Mr. Larson and Coldwell Banker Larson Realty’s last reported address on file with the Department is: P.O. Box 108, Park Falls, WI 54552.

5. At all times relevant to the facts stated below, the Respondent was the supervising broker for Carol J. Engel, #094 52690. This license was first granted on 02/16/01.

6. On or about April 26, 2005, the Department received a consumer complaint alleging that Ms. Engel had practiced real estate with an expired license for at least four months.

7. Department records revealed that Ms. Engel's real estate salesperson's license was placed into expired status from January 11, 2005 through April 14, 2005. Ms. Engel's license is currently in active status.

8. The Department's investigation revealed that Ms. Engel participated in three real estate transactions as a real estate salesperson during the period in which her license had expired.

9. In resolution of this matter, Kathy Tutt consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondent, Kathy Tutt has violated:

Wis. Admin. Code § RL 17.07 for permitting Ms. Carol J. Engel to engage in the practice of real estate with an expired license during the period of January 11, 2005 through April 14, 2005.

ORDER

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

IT IS FURTHER ORDERED that the Respondent, license # 090-38780 be, and hereby is **REPRIMANDED**.

IT IS FURTHER ORDERED that Respondent pay to the Department of Regulation and Licensing **COSTS of TWO HUNDRED DOLLARS (\$200.00)**.

IT IS FURTHER ORDERED, that a payment of **TWO HUNDRED DOLLARS (\$200.00)** shall be submitted within (30) days from the date of this order. Payments shall be 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
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 261-7904
Fax (608) 266-2264**

IT IS FURTHER ORDERED that in the event the Respondent fails to pay the **TWO HUNDRED DOLLARS (\$200.00)** costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, her license #090-38780 shall be **SUSPENDED** without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and

Licensing. Failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file **05 REB 093** be, and hereby is, closed as to Kathy Tutt.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A member of the Board

11-30-2006
Date