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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
ROBERT S. SLOWIK :
and NORTHSIDE REALTY LLC, : LS0804248REB
RESPONDENTS. :

Division of Enforcement cases 05 REB 005 and 06 REB 102

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

Robert S. Slowik
d/b/a Century 21 Northside Realty
N4005 Hwy 45
Antigo, WI 54409

Northside Realty LLC
d/b/a Century 21 Northside Realty
N4005 Hwy 45
Antigo, WI 54409

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

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 Wisconsin Real Estate Board ("Board"). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Robert S. Slowik is licensed in the State of Wisconsin as a Real Estate Broker having license # 90-48415. This license was first granted on April 12, 1996. Mr. Slowik's most recent address on file with the Department of Regulation and Licensing ("Department") is N4005 Hwy 45, Antigo, WI 54409.
2. Mr. Slowik does business as Century 21 Northside Realty in Antigo, Wisconsin.
3. Northside Realty LLC is licensed as a Real Estate Business Entity having license # 91- 700486. The license was first granted on September 20, 2001. Northside Realty LLC's most recent address on file with the Department of Regulation and Licensing is N4005 North Hwy 45, Antigo, WI 54409.

With regard to case 05 REB 005

4. In December 2004 and January 2005, Northside Realty LLC employed Paul Bretl as a Real Estate Salesperson. By early January of 2005 Mr. Bretl had left the employ of Northside Realty LLC. On November 17, 2005, Mr. Slowik notified the Department that he was no longer employed.

5. Paul Bretl was granted a license as a Real Estate Salesperson, # 94-58498, on November 12, 2003. The license expired on December 31, 2006 and has not been renewed. Mr. Bretl has never held a Broker's license and he has never been a Realtor®.

6. In December 2004, Paul Bretl was the listing agent for property located at N3649 Heights Drive in Langlade, Wisconsin. The MLS number was 54532. The listing expired on December 9, 2004.

7. On December 23, 2004, Mr. Bretl broadcast an email to 11 real estate firms in northeast Wisconsin saying, "RE: MLS 54532 This property has recently expired, but it is still on the market for anyone who is willing to enter into a single party listing contract. My C-21 signs remain on the property to help generate calls and to help potential buyers identify the property."

8. A Century 21 sign remained on the Langlade property on January 12, 2005.

9. A web page for Century 21 Northside Realty printed out on January 12, 2005 showed Paul Bretl and identified him as a "Realtor".

10. A newspaper ad for Century 21 Northside Realty dated January 14, 2005 showed Paul Bretl and identified him as a "Broker/Realtor".

11. The Department requested information from Mr. Slowik on June 3, 2005. Mr. Slowik did not respond.

12. The Department requested information from Mr. Slowik on October 4, 2005. Mr. Slowik did not respond.

13. On April 19, 2006, Mr. Slowik responded to a phone inquiry from the Department and said that the sign on the property had been put back up by the client.

14. On April 24, 2006, Mr. Slowik responded to the Department's inquiry about Mr. Bretl appearing on the web page and the newspaper ad, by saying that "Removal of Associates from website is accomplished by giving request to technical support company that handles this company, as soon as reasonably possible." He did not address the false identification of Mr. Bretl as a broker and as a Realtor.

15. On April 24, 2006, Mr. Slowik provided two undated pages from what appears to be a policy manual that contain the following language: "Signs may not be kept on a property without a current listing contract. Signs from expired of [sic] sold listings must be removed within 24 hours after expiration of closing [sic]." On January 8, 2007, in response to a request from the Department for a copy of the entire manual, he provided a copy of a 36-page document with the date of April 1998 on the title page. The "Sign Policy" section on page 17 of the manual contains the following language: "Signs may not be kept on a property without a current listing contract. Signs from expired **or** sold listings must be removed within 24 hours after expiration **or** closing." [emphasis added to show that the text is different from that submitted earlier]. There is no indication on the title page or elsewhere in the manual of when the changes to the April 1998 document were made. It is difficult to conclude that the policy was in effect in December of 2004.

16. Having a written policy implementing rules of the Real Estate profession does not insulate a broker from being responsible for the actions of subordinates.

With regard to case 06 REB 102

17. During at least the period from January 1, 2006 through April 17, 2006, Northside Realty LLC employed Jeremy Koszarek as a Real Estate Salesperson, and Mr. Koszarek's wife, Jenilee Koszarek, as an unlicensed person.

18. During the period of January through August, 2006, Jeremy Koszarek was called to active military duty in Iraq.

19. Jenilee Koszarek took and passed the required pre-licensure classes for a Real Estate Salesperson. She took and passed the Wisconsin test to become a salesperson. She mailed her application with fees to the Department on April 11, 2007.

20. Ms. Koslarek showed houses for Northside Realty LLC on April 12, 2006, April 15, 2006, and April 17, 2006.

21. Jenilee Koslarek was granted a license as a Real Estate Salesperson on April 18, 2006.

22. The Department requested information from Mr. Slowik on June 6, 2006. Mr. Slowik did not respond.

23. The Department by certified mail requested information from Mr. Slowik on July 25, 2006. Mr. Slowik did not respond.

24. The Department by certified mail requested information from Mr. Slowik on September 15, 2006. Mr. Slowik did not respond.

25. On March 22, 2007, the Department requested information from Jeremy Koszarek, Jenilee Koszarek, and Mr. Slowik. Mr. and Mrs. Koszarek responded on April 2, 2007. Mr. Slowik did not respond.

26. The Department sent Mr. Slowik a proposed stipulation for a 90-day suspension in case 05 REB 005. On April 6, 2006, the Department requested information regarding case 06 REB 102 from Mr. Slowik. Mr. Slowik responded by phone on April 11, 2007 and in writing on April 12, 2006.

27. In his response, Mr. Slowik stated that after her application was mailed, Jenilee Koszarek “lightly began to assist our agent, Jeremy in his Real Estate draftings. During said times, only these 3 properties were shown. There were no documents drafted, and terms and/or conditions were not discussed with customers.” He also stated the following, which is evidence that the issue was not one of having an unlicensed person practice real estate as a way of accommodating her husband’s deployment, but simply that Mr. Slowik misunderstood the licensure requirement: “Since this issue has arisen, further study has I believe shown, that license must be received ‘in hand’ in order for an individual to practice.”

Other discipline

15. Robert S. Slowik and Northside Realty LLC were reprimanded by the Real Estate Board on September 23, 2004 in case 04 REB 002 for failing to maintain a required ledger and failing to perform monthly trial balances and validations. Mr. Slowik was ordered to pay the costs of that case within 60 days. He did not do so and thereby violated a board order. He was sent a Notice of Delinquent Costs on September 15, 2005, but he did not pay the costs until January 4, 2007, when necessary to renew his license.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Respondents Robert S. Slowik and Northside Realty LLC are subject to discipline for advertising falsely that Paul Bretl was a broker and a Realtor, contrary to section 24.04 (1) of the Wisconsin Administrative Code, thereby demonstrating incompetency to act as a broker in a manner which safeguards the interests of the public, contrary to section 452.14 (3) (i), Wis. Stats.

3. Under section 452.12 (3) of the Wisconsin Statutes, respondents Robert S. Slowik and Northside Realty LLC are responsible for the acts of a salesperson employed by the broker, specifically for Paul Bretl advertising property for sale without a current listing contract, contrary to section RL 24.04 (3), Wis. Admin. Code.

4. Respondents Robert S. Slowik and Northside Realty LLC are subject to discipline for permitting an

unlicensed person to practice real estate without a license, contrary to section RL 17.07 of the Wisconsin Administrative Code.

5. Respondent Robert S. Slowik is subject to discipline for violating a board order, contrary to section RL 24.17 (3) of the Wisconsin Administrative Code.

ORDER

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

IT IS FURTHER ORDERED that respondents Robert S. Slowik and Northside Realty LLC are hereby REPRIMANDED.

IT IS FURTHER ORDERED that Mr. Slowik pay a forfeiture of **\$3,000.00** within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 261-7904

IT IS FURTHER ORDERED that Mr. Slowik pay the Department's costs of this matter in the amount of **\$1,963.56** within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor.

Mr. Slowik may offer to make partial payments, and the Department Monitor may approve a reasonable payment schedule, but in the event Mr. Slowik fails to pay the forfeiture or the costs within the time and in the manner agreed upon by the Department Monitor, Mr. Slowik's Real Estate Broker's license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said forfeiture and costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that files 05 REB 005 and 06 REB 102 be closed.

Dated this 24th day of April, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A member of the Board