

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
	:	
ADRIAN J. STE. MARIE,	:	LS0808215REB
	:	
RESPONDENT.	:	

Division of Enforcement Case No. 05 REB 155

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

Adrian J. Ste. Marie
8132 Cty. Z
Pound, WI 54161

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. Adrian J. Ste. Marie ("Ste. Marie"), whose date of birth is April 13, 1933, is duly licensed as a Real Estate Broker in the state of Wisconsin (90-37891). Mr. Ste. Marie's most recent address of record on file with the Department of Regulation and Licensing ("Department") is 8132 Cty. Z, Pound, WI 54161. The license was first granted on June 5, 1986, and is due to expire on December 14, 2008.

2. On December 27, 1990, J.M. paid Mr. Ste. Marie the sum of \$48,000. J.M. paid this sum to purchase an interest in real estate. Specifically, J.M. purchased 18 acres from Mr. Ste. Marie. Per Mr. Ste. Marie, the business plan of Mr. Ste. Marie and J.M. was to maintain the title to the property in Mr. Ste. Marie's name, until the property was prepared for development. At that time, the property would then be transferred from Mr. Ste. Marie to J.M. Mr. Ste. Marie would then market the developed lots for J.M. and collect commissions from the lot sales.

3. The property also held a duplex. Per Mr. Ste. Marie, the business plan was to rent the duplex, and use the rental payments to offset development costs. Mr. Ste. Marie was to act as property manager in renting the duplex.

4. On November 15, 2002, J.M. sued Mr. Ste. Marie in Marinette County Circuit Court Case No. 02-CV-370, alleging various causes of action, including negligence in failing to maintain fire insurance. Mr. Ste. Marie answered, in part, by asserting that no valid transfer of an interest in real estate occurred, since the agreement was not reduced to writing, citing Wis. Stat. §§ 241.02 and 706.02.

5. Per Wis. Admin. Code § RL 24.08, "A licensee shall put in writing all... offers to purchase (and) property management agreements... expressing the agreement of the parties... .

6. Per Wis. Stat. § 452.14 (3), "...The board may revoke, suspend or limit any broker's... license... or reprimand the holder of the license... if it finds that the holder of the license or registration has: (i) Demonstrated incompetency to act as a broker... in a manner which safeguards the interests of the public; and (k) Been guilty of any other conduct, whether of the same or a different character from that specified herein, which constitutes improper... dealing."

7. Mr. Ste. Marie fully cooperated with this investigation. During the course of the investigation he never claimed that J.M. was not the rightful owner of the real estate. The civil law suit was settled privately between the parties in 2007.

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. By failing to reduce the property management agreement of the parties to writing, **Adrian J. Ste. Marie** violated Wis. Admin. Code § RL 24.08, thereby subjecting herself to discipline per Wis. Admin. Code § RL 24.01 and Wis. Stat. § 452.14 (3) (i).

4. By failing to reduce the purchase agreement of the parties to writing, and failing to transfer title of land to the buyer, **Adrian J. Ste. Marie** violated Wis. Stat. § 452.14 (3) (k), thereby subjecting himself to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The offer of **Adrian J. Ste. Marie** to VOLUNTARILY SURRENDER his license to practice as a real estate broker (#90-37891) in the State of Wisconsin shall be, and hereby is ACCEPTED. All indicia for licensure shall be submitted to the Department of Regulation and Licensing within thirty (30) days of the date of signing of this Order.

IT IS FURTHER ORDERED THAT:

2. **Adrian J. Ste. Marie** shall pay costs in this matter in the amount of \$1,275.00, and shall be due on owing on the date that the Department of Regulation and Licensing receives any application from Mr. Ste. Marie for licensure as a

real estate broker.

3. All payments and submissions required by this Order shall be mailed, faxed, or otherwise 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) 261-7904

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 (90-37891). 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 set forth above (if any), or fails to cause the Department Monitor to timely receive the results of an audit, as described above, Respondent's license (90-37891) 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.

5. Case number 05 REB 155 is hereby closed.

6. This Order is effective on September 15, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

8/21/08
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ADRIAN J. STE. MARIE,	:	
	:	LS# _____
	:	
RESPONDENT.	:	

Division of Enforcement Case No. 05 REB 155

It is hereby stipulated between Adrian J. Ste. Marie, Respondent; Vance M. Waggoner, attorney for the Respondent; and Mark A. Herman, attorney 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. 05 REB 155). 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 he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 seek 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 his 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.

Adrian J. Ste. Marie, Respondent
8132 Cty. Z
Pound, WI 54161

Date

Vance M. Waggoner, Attorney
for Respondent
P.O. Box 68
Oconto Falls, WI 54154-0068

Date

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

Date