

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
	:	AS TO WILLIAM A. KING
CYRUS J. ZAESKE, WILLIAM A. KING :		and KING REALTY
and KING REALTY,	:	
	:	LS0908206REB
RESPONDENT.	:	

Division of Enforcement Case Number: 08 REB 106

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

William A. King
Respondent
P.O. Box 95
Cable, WI 54821

King Realty
Respondent
P.O. Box 95
Cable, WI 54821

Real Estate Board
c/o Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

The Division of Enforcement, Department of Regulation and Licensing (Department), has opened an investigation against Respondents. The parties in this matter agree to the terms and conditions of this Final Decision and Order and the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Cyrus J. Zaeske (Zaeske), whose date of birth is August 5, 1982, has been licensed to practice as a real estate salesperson (#94-60241) in the State of Wisconsin. The license was first granted on May 4, 2004, and expired on January 1, 2007. Mr. Zaeske’s last address reported to the Department was 1411 Ellis Avenue, Ashland, WI 54806. Mr. Zaeske’s last address known by the Department was P.O. Box 364, Cable, WI 54821. At all times relevant to this matter

Mr. Zaeske was affiliated with King Realty.

2. Respondent King Realty has been registered as a real estate entity (#91-835495) with the Department. The license was first granted on May 20, 2002, and will expire on December 15, 2010. King Realty's most recent address of record with the Department is P.O. Box 95, Cable, WI 54821. At all times relevant to this matter William A. King has been the President of King Realty.

3. Respondent William A. King (King), whose date of birth is May 11, 1945, has been licensed to practice as a real estate broker (#90-51000) in the State of Wisconsin. The license was first granted on March 21, 2002, and will expire on December 15, 2010. Mr. King's most recent address of record with the Department is P.O. Box 95, Cable, WI 54821.

4. From January 1, 2007 to June 16, 2008, Mr. Zaeske continued to practice as a real estate salesperson under the supervision of Mr. King and King Realty. During this period of time Mr. Zaeske received commissions in ten transactions, and received commissions totaling approximately \$40,000.

5. Mr. King has cooperated fully with this investigation. There is no evidence showing that Mr. King had actual knowledge that Mr. Zaeske's license had expired.

6. Per Wis. Admin. Code § RL 17.07, "A broker-employer shall... at the beginning of each biennial licensure period, determine that each licensee employed by the broker is properly licensed. A broker-employer may not employ an unlicensed person... to engage in real estate practice for the employer."

7. 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... has: "(i) demonstrated incompetency to act as a broker... in a manner which safeguards the interest of the public..."

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 ensure that Cyrus J. Zaeske was licensed at the beginning of the 2006-2008 biennial period, and by permitting him to continue to engage in real estate practice for King Realty, as set forth more fully above in paragraph 4 of the Findings of Fact, **William A. King** has violated Wis. Admin. Code § RL 17.07, thereby subjecting herself to discipline per Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **William A. King** as a real estate broker (#90-51000) shall be, and hereby is, **REPRIMANDI**

IT IS FURTHER ORDERED that:

2. **William A. King** shall pay partial costs of this investigation in the amount of ONE HUNDRED AND TWENTY DOLLARS (\$120.00) within THIRTY (30) DAYS of the date of signing of this Order.

3. **William A. King** shall also pay a forfeiture in the amount of TWO HUNDRED DOLLARS (\$200.00) within NINETY (90) DAYS of the date of signing of this Order.

4. Payment of costs and other submissions required by this Order shall be mailed, delivered or otherwise transmit

Department Monitor
Division of Enforcement
Department of Regulation and Licensing

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well-being and may result in a summary suspension of Respondent's license. The Real Estate 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 that Respondent fails to timely submit any payment of costs as set forth above, Respondent's license (#90-51000) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. Case number 08 REB 106 is hereby closed as to respondent William A. King, and is hereby closed as to respondent King Realty under prosecutorial discretion code P7.

7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Peter A. Sveum
A Member of the Board

8/20/09
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST : **STIPULATION**
: **AS TO WILLIAM A. KING**
CYRUS J. ZAESKE, WILLIAM A. : **and KING REALTY**
KING and KING REALTY, :
: LS# _____ REB
RESPONDENTS. :

Division of Enforcement Case Number: 08 REB 106

It is hereby stipulated and agreed, by and between William A. King, Respondent, on his own behalf and on behalf of King Realty, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensures by the Division of Enforcement (Case No. 08 REB 106). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waives their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them 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. Respondents have been provided with the opportunity to seek legal counsel prior to signing this stipulation.
4. Respondents agree 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. Respondents waive 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 Respondents or their attorney(s), 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. Respondents are 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.

<hr/> WILLIAM A. KING , Respondent On his own behalf and on behalf of KING REALTY , Respondent P.O. Box 95 Cable, WI 54821	<hr/> Date
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<hr/> MARK A. HERMAN Attorney, Division of Enforcement Department of Regulation and Licensing 1400 East Washington Avenue P.O. Box 8935 Madison, WI 53708-8935	<hr/> Date
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