

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
	:	
BRUCE BECKER,	:	
	:	<u>ORDER 0000103</u>
	:	
RESPONDENT.	:	

Division of Enforcement Case No. 07 REB 279

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

Bruce Becker
7510 Welton Drive
Madison, WI 53719

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

A formal complaint has been filed in this matter. 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. Bruce Becker ("Becker"), whose date of birth is April 4, 1962, is duly licensed as a Real Estate Broker in the state of Wisconsin (90-41410). Mr. Becker's most recent address of record on file with the Department of Regulation and Licensing ("Department") is 7510 Welton Drive, Madison, WI 53719. The license was first granted on March 28, 1987, and is due to expire on December 15, 2012. No prior disciplinary actions have been taken against Mr. Becker by the Wisconsin Real Estate Board.

2. Mr. Becker has an ownership interest in, and is a member of, Becker Associates, LLP. Mr. Becker owns and is employed by Becker Associates along with other members of his immediate family and he is a licensed broker. Becker Associates, LLP is in the business of renting, purchasing, selling and constructing apartment units.

3. Lexington Green. Lexington Green, located in Madison, WI, is managed by Becker Associates, LLC.

4. In 2006 the Metropolitan Milwaukee Fair Housing Council, a non-profit group, designed a test to determine if Lexington Green was discriminating against potential tenants on the basis of family status. The test consisted of sending pairs of testers to Lexington Green. Testing pairs were substantially similar in all characteristics, but for inclusion of children in the family unit. Three pairs of testers were sent to Lexington Green. Based upon the results of these tests, the non-profit group filed a claim of discrimination based upon family status entitled, *Metropolitan Milwaukee Fair Housing Council vs. Becker Associates, LLC, Elizabeth Becker, Gordon Becker and Bruce Becker*, ERD Case No. CR200703635.

5. A hearing was held on the matter in 2008. Following hearing and post-hearing procedures, a Final Decision and Order was issued in 2009. The Final Decision and Order concludes that the named respondents violated the Wisconsin Open Housing Law, Wis. Stats. § 106.50(2)(L), by making housing unavailable to persons because of family status. This Conclusion of Law was based, in relevant part, upon a Finding of Fact that,

"For perspective tenants who did not express a preference for first or second floor apartments, the Beckers had two standard practices, depending on whether young children were part of the prospective tenant's family. Their standard practice for showing apartments to prospective tenants with children under about the age of 10 was to show them first-floor apartments only, and to say nothing about the availability of second-floor apartments, even if second-floor apartments were available. In contrast, their standard practice for showing apartments to all other prospective tenants was to show them available apartments on the first and second floors."

There was no finding of actual harm to any real prospective tenant. The Final Decision further found that

"The practice of showing only first-floor apartments to prospective tenants with young children developed for two reasons. First, the Beckers came to believe, based

on experience with prospective tenants, that families with small children preferred first-floor units. Second, the Beckers believed, based on the assumption that young children tended to transmit a lot of noise through apartment floors, that renting second-floor units to families with small children would invite problems with the tenants below. This second belief was not based upon any specific experience at the apartment complex.”

“It is reasonable to conclude that the [respondents’] practice of showing only first -- floor units to families with young children, without first verifying that they preferred a first -- floor apartment, was based in part on this attitude as well as on the belief that these families preferred first -- floor apartments. There is no exception under this statute allowing a rental agent to restrict the availability of housing for prospective tenants because of family status based on a fear that such prospective tenants will cause noise problems because of their having young children”

"There are two aspects of complainants’ victory in this case that give it a technical, rather than substantial, appearance. One is the fact that only testers, no actual tenants, gave testimony about having been refused housing or steered towards certain housing. The other is the fact that no historical evidence, that is no evidence about any actual or prospective tenants during the 10 years or more of the apartments existence, was presented showing that the Respondents practice of offering only first -- floor apartments to families with children resulted in denying a preference to a family with children."

6.. Per Wis. Admin. Code § RL 24.03(1) “Licensees may not discriminate against, nor deny equal services to, nor be a party to any plan or agreement to discriminate against any person in any manner unlawful under applicable federal, state or local fair housing law.”

7. Per Wis. Admin. Code § RL 24.01(2) “If a licensee violates rules in this chapter, the licensee has demonstrated incompetence to act as a broker, salesperson or time-share salesperson in such manner as to safeguard the interests of the public under s. 452.14(3)(i) Stats.”

8. In the lieu of reprimand, the issuance of a private letter of warning or a revocation, limitation or suspension of a license, the Wisconsin Real Estate Board is authorized to require a licensee to successfully complete education or training per Wis. Stat. §452.14(4m).

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. The Wisconsin Real Estate Board concludes that the Wisconsin Open Housing Law, Wis. Stat. § 106.50 (2) is substantially related to the practices of a real estate broker or salesperson, within the meaning of Wis. Admin. Code § RL 24.03.

4. By violating Wis. Stats. § 106.50(2), Respondent **Bruce Becker** has discriminated against a person in a manner unlawful under applicable federal, state or local fair housing law within the meaning of Wis. Admin. Code § RL 24.03(1) and, therefore, demonstrated incompetence to act as a broker in a manner that safeguards the interests of the public, thereby subjecting himself to discipline within the meaning of Wis. Admin. Code § RL 24.01(2) and Wis. Stats. § 452.14(3)(i). ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. **Bruce Becker** shall complete no less than seven (7) hours of remedial **EDUCATION in lieu of receiving a reprimand** to his license to practice as a real estate broker (#90-41410) in the State of Wisconsin. The subject of the remedial education shall be housing discrimination laws. Specific courses, or alternatives thereto if no such course is available, shall be approved in advance by the Board's Monitoring Liaison. Remedial education may not be counted towards Mr. Becker's continuing education requirements. Proof of successful completion of education ordered by this paragraph must be submitted to the Department Monitor within one (1) year of the date of signing of this Order.

IT IS FURTHER ORDERED THAT:

2. **Bruce Becker** shall pay the costs of this matter in the amount of FIVE HUNDRED AND SEVENTY-FIVE DOLLARS within ninety (90) days of the date of signing of this Order.
3. All payments and submissions required by this Order shall be mailed 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

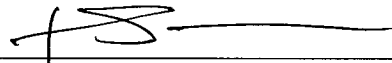
4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline 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 proof of successful completion of remedial education, Respondent's license (90-41410) SHALL BE SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of this Order.

5. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By:



A Member of the Board
PETER A. SVEEN

4-29-10

Date