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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
WAYNE J. FISCHER AND	:	
UNITED COUNTRY LIGHTHOUSE REALTY, RESPONDENTS.	:	ORDER 0000364

Division of Enforcement Case File No. 08 REB 128

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

Wayne J. Fischer
624 Lakeshore Dr.
Kewaunee, WI 54216

United Country Lighthouse Realty
504 4th St.
Algoma, WI 54201

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

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 adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Wayne J. Fischer is licensed in the State of Wisconsin as a Real Estate Broker, having license number 090-49827, first issued on May 05, 1999. Mr. Fischer's Real Estate Broker's license expired on December 15, 2008 and was not renewed until February 12, 2009.

2. Mr. Fischer's most recent address on file with the Department of Regulation and Licensing ("Department") is 624 Lakeshore Dr., Kewaunee, WI 54216.

3. United Country Lighthouse Realty is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 091-936021, first issued on October 9, 2007. United Country Lighthouse Realty's Business Entity license expired on December 15, 2008 and was not renewed until February 19, 2009.

4. United Country Lighthouse Realty's most recent address on file with the Department is 504 4th St., Algoma, WI 54201.

5. Mr. Fischer is a partner in United Country Lighthouse Realty.

6. Mr. Fischer had one listing during the period between December 15, 2008 and February 12, 2009 when his license was expired.

7. United Country Lighthouse Realty had eighteen (18) listings, three (3) offers to purchase and three (3) closings during the period between December 15, 2008 and February 19, 2009 when its license was expired.

8. On January 23, 2008, Kent Riedesel, manager of Idlewild Estates, signed a Broker Disclosure to Clients prepared by Mr. Fischer.

9. On February 16, 2008, five (5) vacant lots of land owned by Idlewild Estates and located in Door County, Wisconsin were offered for sale at auction.

10. Tony and Bonnie Smith ("the Smiths") made two (2) separate offers on three (3) lots of vacant land owned by Idlewild Estates at the auction.

11. The Smiths tendered earnest money with each offer.

12. Mr. Fischer, through United Country Lighthouse Realty, prepared two (2) Offers to Purchase ("OTP") on behalf of the Smiths for the three (3) lots in Door County, Wisconsin owned by Idlewild Estates LLC.

13. Mr. Fischer did not identify himself as the drafter of the OTPs.

14. Mr. Fischer did not identify on the OTPs who he was representing in the transaction.

15. Mr. Fischer did not indicate on the OTPs the receipt of earnest monies received from the Smiths.

16. Mr. Fischer did not indicate whether the OTPs were presented to Idlewild Estates and whether Idlewild Estates accepted, rejected or countered the OTPs.

17. Mr. Riedesel rejected the Smiths' offers.
18. On April 29, 2008, Mr. Fischer, through United Country Lighthouse Realty, prepared an OTP on behalf of the Smiths for two (2) of the vacant lots owned by Idlewild Estates.
19. Mr. Fischer did not identify on the OTP who he was representing in the transaction.
20. Mr. Fischer did not indicate whether the OTP was presented to Idlewild Estates and whether the Idlewild Estates accepted, rejected or countered the OTP.
21. On May 28, 2008, Mr. Fischer prepared another OTP on behalf of the Smiths for two (2) of the vacant lots owned by Idlewild Estates.
22. Mr. Fischer did not identify on the OTP who he was representing in the transaction.
23. Mr. Fischer did not indicate whether the OTP was presented to Idlewild Estates and whether Idlewild Estates accepted, rejected or countered the OTP.
24. On June 4, 2008, the OTP of May 28, 2008 was accepted by Mr. Riedesel.
25. On June 19, 2008, a Cancellation Agreement and Mutual Release was executed by the Smiths and Mr. Fischer canceling the May 28, 2008 OTP due to the fact the Smiths' signatures were not authentic on the Real Estate Condition Report.

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 section 227.44(5) of the Wisconsin Statutes.
2. By practicing real estate without a license, Wayne J. Fischer violated section 452.03 of the Wisconsin Statutes.
3. By operating as a Real Estate Business Entity without a license, United Country Lighthouse Realty violated section 452.03 of the Wisconsin Statutes.
4. By failing to properly complete the OTPs involved in the transactions between Tony and Bonnie Smith and Kent Riedesel of Idlewild Estates, Wayne J. Fischer performed real estate services that he is not competent to provide, thereby violating section RL 24.03(2) of the Wisconsin Administrative Code.

5. By failing to properly complete the OTPs involved in the transactions between Tony and Bonnie Smith and Kent Riedesel of Idlewild Estates, Wayne J. Fischer did not fulfill his duty to provide brokerage services honestly and fairly and with reasonable skill and care, thereby violating sections 452.133(1)(a) and (b) of the Wisconsin Statutes.

6. By failing to have Tony and Bonnie Smith execute a Broker Disclosure to Clients, Wayne J. Fischer provided brokerage services without an agency agreement authorizing those services, thereby violating section RL 24.025(2) of the Wisconsin Administrative Code.

7. By failing to have Tony and Bonnie Smith execute a Broker Disclosure to Clients, Wayne J. Fischer provided brokerage services in a multiple representation relationship without the written consent of all of the broker's clients in the multiple representation relationship, thereby violating section 452.134(2) of the Wisconsin Statutes.

8. By failing to indicate on the OTPs the receipt of earnest money received from Tony and Bonnie Smith, Wayne J. Fischer violated section RL 18.05 of the Wisconsin Administrative Code.

9. Wayne J. Fischer and United Country Lighthouse Realty are subject to discipline under section 452.14(3) of the Wisconsin Statutes for the violations referenced above.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. The attached Stipulation is hereby accepted;
2. The Real Estate Broker license of Respondent **Wayne J. Fischer**, license number 090-49827, and the Real Estate Business Entity license of Respondent **United Country Lighthouse Realty**, license number 091-936021, are hereby **REPRIMANDED**.
3. The Real Estate Broker license of Respondent **Wayne J. Fischer**, license number 090-49827, is **LIMITED** as follows: within one (1) year of the date of this Order, Wayne J. Fischer shall successfully complete twelve (12) hours of real estate broker continuing education in the areas of forms, drafting and ethics as pre-approved by the Board Liaison, at his own expense, including taking and passing any exam offered for that course or seminar.

Fischer shall submit verification from the institution providing the education to the Department Monitor's address stated below. **None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are, or may be, instituted by the Board or the Department of Regulation and Licensing.** This education is **in addition** to Respondent's continuing education requirements. This educational requirement limitation shall be lifted upon the Department Monitor's receipt and approval of the verification of Fischer's successful completion of the required education.

4. **Wayne J. Fischer** shall pay the **COSTS** in the amount of **\$504.66** and **United Country Lighthouse Realty** shall pay **COSTS** in the amount of **\$504.66** within 90 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:

Department Monitor
Department of Regulation and Licensing
PO Box 8935
Madison, WI 53708-8935

Fax (608) 266-2264
Tel. (608) 267-3817

5. 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 **Wayne J. Fischer's** Real Estate Broker's license, as well as the summary suspension of **United Country Lighthouse Realty's** Real Estate Business Entity 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 Fischer or United Country Lighthouse Realty fails to timely submit payment of the costs as ordered or Fischer fails to comply with the ordered continuing education as set forth above, Fischer's license, number 090-49827, and United Country Lighthouse Realty's license, number 091-936021, may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Fischer and United Country Lighthouse Realty have complied with the payment of costs and completion of the continuing education.

IT IS FURTHER ORDERED that file 08 REB 128 be closed.

Dated this 26 day of August, 2010.

WISCONSIN REAL ESTATE BOARD

By: Isabella Weirich
A member of the Board