

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
KRISTIAN L. SEALS, :
RESPONDENT. : ORDER 0000 680

Division of Enforcement Case No. 07 REB 210

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

Kristian L. Seals
12845 Falcon Drive
Brookfield, WI 53005

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 Real Estate Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Respondent Kristian L. Seals is licensed in the state of Wisconsin as a Real Estate Salesperson, having license # 94-50222. This license was first granted to him on May 7, 1999 and is current through December 14, 2012. The most recent address on file with the Department of Regulation and Licensing ("Department") for Mr. Seals is 12845 Falcon Drive, Brookfield, Wisconsin 53005.
2. At all times relevant to this case, Metrostar, a reduced fee brokerage company doing business as Homeowners Concept, employed Mr. Seals as an agent.
3. On or about November 29, 2007, the Department received a complaint against Mr. Seals from Larry Goodlow and Toni Greer-Goodlow.

4. On September 6, 2006, the Goodlows executed a WB-1 Residential Listing Contract with Metrostar naming Mr. Seals as listing agent. The listing contract was drafted to terminate on December 30, 2006.

5. On or about January 10, 2007, Mr. Seals presented an Offer to Toni Greer-Goodlow. At the same time, Ms. Greer-Goodlow signed a WB-42 Amendment to Listing Contract to extend the previous listing contract which had expired on December 30, 2006. At the request of Mr. Seals, Ms. Greer-Goodlow backdated the extension agreement to December 30, 2006, although the form reflects the signature of Ms. Greer-Goodlow on January 11, 2007.

6. The amendment extended the contract until April 30, 2007. After counter-offers were exchanged, the Goodlows ultimately accepted the offer on January 11, 2007, despite later objecting to the additional 2.4% commission to the Buyer's agent.

7. The Goodlows were reimbursed all commissions paid, including the additional commission to the Buyer's agent.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Mr. Seals violated Wis. Admin. Code § RL 24.03(2)(b), by participating in the back-dating of an extension agreement.

3. As a result of the violations described in paragraph 2 of the Conclusions of Law, Respondent Mr. Seals is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached stipulation is accepted.
2. **Kristian L. Seals** (license # 94-50222) is hereby **REPRIMANDED**.
3. The license of Kristian L. Seals (license # 94-50222) is hereby **LIMITED** as follows:
 - a. **Kristian L. Seals** shall, within **120** days from the date of this Order, successfully complete the 3 credit hour Wisconsin Real Estate Risk Reduction course and 3 credit hours in Wisconsin real estate ethics, as offered by an educational institution pre-approved by the board liaison through the Department Monitor, including receiving passing scores on all exams.

b. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or the Department of Regulation and Licensing.

c. The Limitation shall be removed from Respondent **Kristian L. Seals'** license and Respondent **Kristian L. Seals** will be granted a full, unrestricted license after satisfying the Board or its designee that he has successfully completed all of the ordered continuing education.

4. Respondent **Kristian L. Seals** shall, within 120 days (four months) of the date of this order, pay a **FORFEITURE** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** and **COSTS** in the amount of **EIGHT HUNDRED THIRTY FOUR DOLLARS (\$300.00)** for a **TOTAL** of **EIGHT HUNDRED THIRTY FOUR DOLLARS (\$800.00)**.

5. Proof of successful course completion and payment of the forfeiture and costs (made payable to the Wisconsin Department of Regulation and Licensing) shall be sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

6. 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 Mr. Seals' 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 **Kristian L. Seals** fails to timely submit payment of the forfeiture and costs or fails to comply with the ordered continuing education as set forth above, **Kristian L. Seals'** license (license # 94-50222) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until he has complied with payment of the forfeiture and costs and completion of the continuing education.

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

Dated this 17 day of FEBRUARY, 2011.

WISCONSIN REAL ESTATE BOARD

By: 