

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
RAYMOND J. ZERNIA and :
YOUR REALTY, INC., :
RESPONDENTS. : **ORDER 0000910**

Division of Enforcement Case No. 10 REB 028

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

Raymond J. Zernia
410 North US Highway 141
Crivitz, WI 54114

Your Realty, Inc.
410 North US Highway 141
Crivitz, WI 54114

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 Raymond Zernia is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-47769. This license was first granted to him on January 1, 1995. The license is current through December 14, 2012.

2. The most recent business address on file with the Department of Regulation and Licensing ("Department") for Mr. Zernia is: 410 North US Highway 141, Crivitz, WI 54114.

3. Respondent Your Realty, Inc. is licensed in the State of Wisconsin as a real estate business entity, having license number 91-835121. This license was first granted to Your Realty, Inc. on May 8, 1998. The license is current through December 14, 2012. Mr. Zernia is the President for Your Realty, Inc.

4. The Department received two consumer complaints against Your Realty, Inc. and Mr. Zernia. The first complaint was received at the Department on March 4, 2010. The first consumer complaint alleged that Your Realty, Inc. was operating without a supervising broker overseeing real estate transactions at the company. On January 5, 2011, a second consumer complaint was received alleging the same broker-supervision allegation. The consumer complaints were subsequently opened for investigation.

5. During the course of the investigation, Mr. Zernia admitted that a Michigan licensed real estate broker had acted as a supervising broker at Your Realty, Inc. when the previous supervising broker left the company without providing notice. The Michigan licensed real estate broker did not hold a Wisconsin real estate broker license. Mr. Zernia also stated that a new supervising broker had been hired to oversee real estate transactions at Your Realty, Inc.

6. In resolution of this matter, Respondents Raymond J. Zernia and Your Realty, Inc. consent to the entry of the following Conclusions of Law and Order.

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, Respondents Raymond Zernia and Your Realty, Inc. have violated:

- Wis. Admin. Code § RL 17.07 by employing an unlicensed individual as a broker; and
- Wis. Admin. Code §§ RL 17.08(1), (2), (3), and (5) by permitting a broker who was not licensed in Wisconsin to supervise real estate matters at Your Realty, Inc.

3. As a result of the violations described in paragraph 2 of the Conclusions of Law, Respondents Raymond Zernia and Your Realty, Inc. are 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. Respondents Raymond J. Zernia and Your Realty, Inc. are hereby **REPRIMANDED**.
3. Respondent Raymond J. Zernia shall pay COSTS in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** and a FORFEITURE in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** within 90 days of the date of this Order. Respondent Your Realty, Inc. shall pay COSTS in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** and a FORFEITURE in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** within 90 days of the date of this Order.
4. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

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 Respondents' licenses. 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 Respondents fail to timely submit payment of the costs and forfeiture as ordered and as set forth above, then Respondents' licenses (numbers 90-47769 and 91-835121) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondents have complied with payment of costs and forfeiture.

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

Dated this 23 day of June, 2011.

WISCONSIN REAL ESTATE BOARD

By: 