

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MARTIN E. KARL,	:	
RESPONDENT.	:	

ORDER 0001399

Division of Enforcement Case Number 08 REB 135

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

Martin E. Karl
6857 Jamestown Dr.
West Bend, WI 53090

Wisconsin Real Estate Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Department of Safety and Professional Services
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 Wisconsin Real Estate Examining 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 Martin E. Karl (dob 12/23/1953) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 94-42641, first issued on 01/27/1995 and current through 12/14/2012. Mr. Karl's most recent address on file with the Department of Safety and Professional Services (Department) is 6857 Jamestown Drive, West Bend, Wisconsin 53090.

2. From March to October 2008, Mr. Karl was employed by Heartland Development Group Ltd (Real Estate Business Entity license number 91-834761, first issued on 08/17/1995 and expired as of 12/15/2010) as a salesperson for the Rainbow Lakes Condominium Development.

3. On or about August 11, 2008, the Department received a complaint alleging, among other things, that Mr. Karl failed to disclose that the Rainbow Lakes Condominium Development had sustained water incursion prior to closing sales of the condos.

4. Division of Enforcement Case Number 08 REB 135 was subsequently opened for investigation.

5. Information obtained during the course of the Department's investigation revealed that Rainbow Lakes Condominium Development sustained significant water incursion problems commencing in 2007 and continuing until at least 2010.

6. Mr. Karl was aware of the water incursion problems at Rainbow Lakes Condominium Development at the time he was employed by Heartland Development Group Ltd as a salesperson for the Condominium Development.

7. Based upon the direction of Heartland Development Group Ltd management, Mr. Karl did not disclose to potential buyers that the Rainbow Lakes Condominium Development had sustained water incursion prior to closing sales of the condos.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining 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 paragraphs 6-7 of the Findings of Fact, Respondent Martin E. Karl has violated Wis. Admin. Code § RL 24.07(2) by failing to disclose to each party, in writing and in a timely fashion, all material adverse facts that the licensee knows.

3. By the conduct described in paragraphs 6-7 of the Findings of Fact, Respondent Martin E. Karl has violated Wis. Admin. Code § RL 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices.

4. As a result of the violations noted in the Conclusions of Law, Respondent Martin E. Karl is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Respondent Martin E. Karl (license number 94-42641) is hereby REPRIMANDED.

2. The real estate salesperson license of Respondent Martin E. Karl (license number 94-42641) is hereby LIMITED as follows:

- a. Respondent shall within one (1) year of the date of this Order, and at Respondent's own expense, successfully complete three (3) hours of real estate salesperson education in the area of ethics to be pre-approved by the Board's monitoring liaison, including taking and passing any exams offered for the course(s).
- b. Respondent shall submit proof of completion in the form of verification from the institution providing the education to the Department Monitor at the address stated below. 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, the Department or similar authority in any state.
- c. This Limitation shall be removed from Respondent's license after he has satisfied the Board or its designee that he has successfully completed all of the ordered education.

3. Respondent Martin E. Karl shall, within one hundred twenty (120) days of the date of this Order, pay costs in the amount of EIGHT HUNDRED NINETY EIGHT DOLLARS (\$898.00).

4. Proof of successful completion of education and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
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 the 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 payment of the costs as ordered or fails to comply with the ordered education as set forth above, Martin E. Karl's license, number 94-42641, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of costs and completion of the education.

6. This Order is effective on the date it is signed.

Dated this 28 day of FEBRUARY, 2012

WISCONSIN REAL ESTATE EXAMINING BOARD

By: _____

A member of the Board