

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT W. JANKE and  
JANKE PREMIERE PROPERTIES, LLC,  
RESPONDENTS.

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:  
: FINAL DECISION AND ORDER  
:  
:  
:

ORDER 0001400

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Division of Enforcement Case No. 09 REB 091

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

Robert W. Janke  
4328 S. Lowes Creek Road  
Eau Claire, WI 54701

Janke Premiere Properties, LLC  
3940 Oakwood Hills Parkway, Suite 3  
Eau Claire, WI 54701

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

Division of Enforcement  
Department of Safety and Professional Services  
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 in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Robert W. Janke (dob: 04/02/50) is licensed in the State of Wisconsin as a real estate broker having license number 90-18053, first issued on May 19, 1977 and current through December 14, 2012. Respondent Janke's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4328 S. Lowes Creek Road, Eau Claire, WI 54701.

2. Respondent Janke Premiere Properties, LLC is licensed in the State of Wisconsin as a real estate business entity having license number 91-701580, first issued on October 2, 2006 and current through December 14, 2012. Respondent Janke Premiere Properties, LLC's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3940 Oakwood Hills, Parkway, Suite 3, Eau Claire, WI 54701. Respondent Janke is the owner and responsible broker of Respondent Janke Properties, LLC.

3. On or about July 14, 2009, the Department received a consumer complaint alleged unprofessional conduct by Respondent Janke and Respondent Janke Premiere Properties, LLC. The consumer complaint was subsequently opened for investigation.

4. Between October 2007 and April 2008, Respondent Janke entered into a Residential Listing Contract-Exclusive Right to Sell ("Listing Agreement") with the Sellers of residential property. The Listing Agreement expired in April 2008 and was not renewed by the Sellers.

5. During the course of a real estate transaction involving the Sellers residential property, Respondent Janke admitted to continuing to advertise the residential property without obtaining the consent of the Sellers. Respondent Janke also admitted to extending the Listing Agreement to June 30, 2009 without reducing the terms to writing.

6. In resolution of this matter, Respondents Robert W. Janke and Janke Premiere Properties, LLC consent 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 the Findings of Fact, Respondents Robert W. Janke and Janke Premiere Properties, LLC have violated Wis. Admin. Code §§ RL (now REEB) 24.04(3) by advertising property without obtaining the consent of the owners.

3. By the conduct described in the Findings of Fact, Respondents Robert W. Janke and Janke Premiere Properties, LLC have violated Wis. Admin. Code §§ RL (now REEB) 24.08 by extending a Listing Agreement without reducing the terms to writing.

4. The conduct as described in the Conclusions of Law constitutes deceptive and fraudulent practice and subjects Respondents to discipline pursuant to Wis. Stat. § 452.14(3)(k).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.

2. Respondents Robert W. Janke and Janke Premiere Properties, LLC are hereby REPRIMANDED.

3. Within 90 days of the date of this Order, Respondent Robert W. Janke shall pay a FORFEITURE in the amount of TWO HUNDRED DOLLARS (\$200.00) and COSTS of this matter in the amount of FOUR HUNDRED FIFTY DOLLARS (\$450.00).

4. Within 90 days of the date of this Order, Respondent Janke Premiere Properties, LLC shall pay a FORFEITURE in the amount of TWO HUNDRED DOLLARS (\$200.00) and COSTS of this matter in the amount of FOUR HUNDRED FIFTY DOLLARS (\$450.00).

5. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

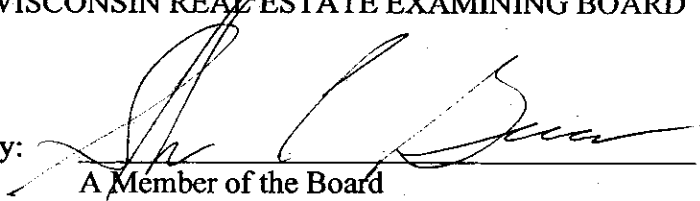
Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264

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 Respondents 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 Respondents fail to timely submit payment of the forfeiture and costs as ordered, Respondents' license (nos. 90-18053 and 91-701580) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the forfeiture and costs.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:

  
A Member of the Board

  
Date