

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

GORDON A. WEISS and
WEISS REALTY, LLC,
RESPONDENTS.

FINAL DECISION AND ORDER

ORDER 0001402

Division of Enforcement Case File No. 10 REB 023

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Gordon A. Weiss
319 West Madison Street
Durand, Wisconsin 54736

Weiss Realty, LLC
319 West Madison Street
Durand, Wisconsin 54736

Real Estate Examining Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Safety and Professional Services
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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 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 Gordon A. Weiss (dob 4/26/1968) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-53001, first issued on 5/20/2005 and current through 12/14/2012. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 319 West Madison Street, Durand, Wisconsin 54736.

2. Gordon A. Weiss is identified in Department records as the owner of Weiss Realty, LLC. Weiss Realty, LLC is duly licensed as a Real Estate Business Entity in the state of

Wisconsin (license number 91-701071). That license was first granted on 1/7/2005, and is current until 12/14/2012. The last address Weiss Realty, LLC reported to the Department is 319 West Madison Street, Durand, Wisconsin 54736.

3. On 3/1/2010 and 3/4/2010, an auditor with the Department conducted an audit of Weiss Realty's real estate trust account bookkeeping records. During that audit, the Departmental auditor found the following discrepancies:

- a. No entries after 7/16/2009
- b. No ledgers after 7/16/2009
- c. No bank reconciliations since September 2008
- d. No trial balances since September 2008
- e. No validations since September 2008
- f. Improper disbursement – Checks written by officer manager. Total amount of improperly disbursed checks in the amount of \$22,000.00

4. On May 9, 2011, Michelle A. Simpson was convicted in Pepin County, Wisconsin Circuit Court of one felony count of Theft – Moveable Property – More than \$10,000.00. Felony charges of Forgery – Writings or Objects and Forgery – Uttering were dismissed, but read into the court record. According to the Criminal Complaint, Ms. Simpson stole \$51,106.73 from Weiss Realty, LLC, including \$22,000.00 from the Weiss Realty, LLC real estate trust account. Ms. Simpson was employed as the office manager of Weiss Realty, LLC at the time of the thefts.

5. In resolution of this matter, Gordon A. Weiss and Weiss Realty, LLC consent to 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, Gordon A. Weiss and Weiss Realty, LLC have violated:

- a. Wis. Admin. Code Sec. RL¹ 18.13(1), by failing to maintain a cash journal of real estate trust funds received and disbursed.
- b. Wis. Admin. Code Sec. RL 18.13(2), by failing to keep a ledger.
- c. Wis. Admin. Code Sec. RL 18.13(3), by failing to reconcile the real estate trust account on a monthly basis.
- d. Wis. Admin. Code Sec. RL 18.13(4), by failing to have a trial balance of all open items in the real estate trust account.
- e. Wis. Admin. Code Sec. RL 18.13(5), by failing to review the reconciled account statement balance, open ledger account listing and the cash journal running balance to ensure that they are valid and in agreement as of the date the account statement has been reconciled.

¹ Effective December 1, 2011, Wis. Admin. Code ch. RL 18 was renumbered ch. REEB 18.

3. As a result of the above violations, Respondents Gordon A. Weiss and Weiss Realty, LLC are subject to discipline pursuant to Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

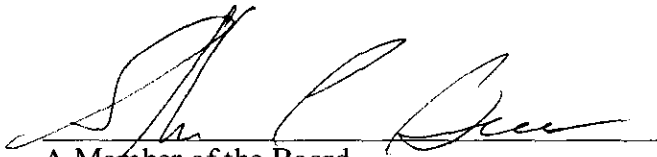
1. The attached Stipulation is hereby accepted.
2. Respondent Gordon A. Weiss (license number 90-53001) is hereby REPRIMANDED.
3. Respondent Weiss Realty, LLC (license number 91-701071) is hereby REPRIMANDED.
4. Within 90 days of the date of this Order, Respondent Gordon A. Weiss shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$350.00.
5. Within 90 days of the date of this Order, Respondent Weiss Realty, LLC shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$350.00.
6. 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:

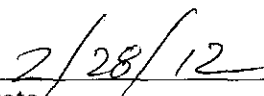
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

7. 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 forfeiture and costs as ordered, Respondents' licenses (nos. 90-53001 and 91-701071) 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board


Date