

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

DANIEL R. KERSTEN and
NORTHERN BUSINESS GROUP, INC.,
RESPONDENTS.

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:
:
:

FINAL DECISION AND ORDER

ORDER 0001545

Division of Enforcement Case No. 11 REB 056

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

Daniel R. Kersten
800 Wisconsin St.
Bldg. 2, Mail Box 46
Eau Claire, WI 54703

Northern Business Group, Inc.
S7465 Crestview Court
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 Daniel R. Kersten (dob 04/19/1953) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 51944-90, first issued on 12/17/2003 and current through 12/14/2012.

2. Respondent Kersten's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 800 Wisconsin Street, Building 2, Mail Box 46, Eau Claire, Wisconsin 54703.

3. Respondent Kersten's license was expired from 12/15/2010 through 08/08/2011.

4. Respondent Kersten worked as a Real Estate Broker during the time his license was expired.

5. On 06/30/2009, Respondent Kersten listed seller's business, building and real estate. On 03/31/2010, an Offer to Purchase was presented by buyer's attorney, with closing date of 09/30/2010. On 04/08/2010, a counter-offer was presented by seller's attorney.

6. On 07/29/2010, buyer and seller entered into an agreement to purchase, subject to buyer obtaining financing and scheduling a closing date on or before 01/31/2011. Buyer submitted \$2,000.00 in earnest money to Respondent Kersten.

7. On 01/27/2011, seller rejected buyer's request for an extension to complete the financing process. The purchase agreement then terminated.

8. On 01/28/2011, Respondent Kersten returned the earnest money to buyer. Respondent did not provide notice to seller and the parties did not sign a written disbursement agreement.

9. Respondent Kersten admitted that he made an error by not having a written disbursement agreement signed by both parties prior to disbursing the earnest money to the buyer. As compensation for this error, Respondent Kersten paid seller \$2,000.00.

10. Respondent Northern Business Group, Inc. (Northern) is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 835664-91, first issued on 12/17/2003 and current through 12/14/2012. Respondent Kersten is identified in Department records as the owner and responsible broker of Northern.

11. Northern's most recent address on file with the Department is 800 Wisconsin Street, Building 2, Mail Box 46, Eau Claire, Wisconsin 54703.

12. Northern's license was expired from 1/1/2007 through 11/2/2011.

13. Northern operated as a Real Estate Business Entity during the time its license was expired.

14. At all times relevant to this case, as the responsible broker of Northern, Respondent Kersten was responsible for ensuring Northern's proper licensure.

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 Kersten and Northern violated Wis. Stat. §§ 452.03 and 452.12(5)(b) by engaging in the business and practice of a real estate broker with an expired license, which subjects Respondents Kersten and Northern to discipline pursuant to Wis. Stat. § 452.14(3)(L).

3. By the conduct described in the Findings of Fact, Respondent Kersten demonstrated incompetency to act as a broker by improperly disbursing trust funds, which subjects him to discipline pursuant to Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Daniel R. Kersten (license number 51944-90) is REPRIMANDED.
2. Respondent Northern Business Group, Inc. (license number 835664-91) is REPRIMANDED.
3. Within 90 days of the date of this Order, Respondent Kersten shall pay a FORFEITURE in the amount of TWO HUNDRED FIFTY DOLLARS (\$250.00) 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 Northern shall pay a FORFEITURE in the amount of ONE THOUSAND DOLLARS (\$1,000.00) 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

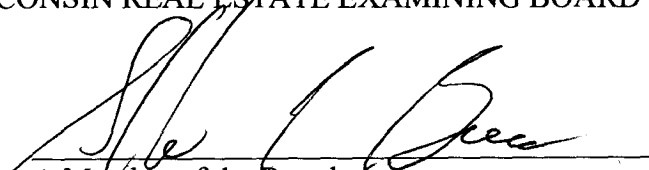
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondents fail to timely submit payment of the forfeiture or costs as ordered, Respondents' licenses (nos. 51944-90 and 835664-91) 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 forfeitures and costs.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

5-10-12
Date