

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

DARREN R. KITTLESON AND,
PREMIER REALTY TEAM LLC,
RESPONDENTS.

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:

FINAL DECISION AND ORDER

ORDER 0001980

Division of Enforcement Case No. 10 REB 059

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

Darren R. Kittleson
100 Wisconsin Avenue, #904
Madison, WI 53703

Premier Realty Team LLC
Three Point Place
Madison, WI 53719

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 Darren R. Kittleson (dob 12/23/1965) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-50461, first issued on 01/02/2001 and current through 12/14/2012. Mr. Kittleson's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 100 Wisconsin Avenue, #904, Madison, Wisconsin 53703.

2. Respondent Premier Realty Team LLC (Premier Realty) is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 91-700624, first issued on 12/17/2002 and current through 12/14/2012. Premier Realty's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Three Point Place, Madison, Wisconsin 53719. Mr. Kittleson is identified in Department records as the owner of Premier Realty.

3. On March 11, 2010, an auditor with the Department conducted an audit of Premier Realty's real estate trust account bookkeeping system, and on March 14, 2012, an auditor with the Department conducted a follow up audit of Premier Realty's real estate trust account bookkeeping system

4. The auditor noted that Premier Realty failed to notify the Department that it had moved its trust account.

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, Mr. Kittleson and Premier Realty violated Wis. Stat. § 452.13(2)(b) and Wis. Admin. Code § RL (now REEB) 18.035(2) by failing to notify the Department of changes to their trust account.

3. By the conduct described in the Findings of Fact, Mr. Kittleson violated Wis. Admin. Code § RL (now REEB) 17.08(1) by failing to properly supervise his employees in the management of his trust account.

4. As a result of the above violations, Mr. Kittleson and Premier Realty are subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(i) and 452.14(4m).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The Real Estate Broker license issued to Respondent Kittleson (license number 90-50461) is hereby LIMITED as follows:
 - a. Respondent Kittleson shall, within six months of the date of this Order, successfully complete six hours of education in the subject area of trust accounts offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent Kittleson shall submit proof of completion in the form of verification from the institution providing the education to 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, and also may not be used in future attempts to upgrade a credential in any state.

- c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

3. Within 90 days of the date of this Order, Respondent Kittleson shall pay a FORFEITURE in the amount of \$125.00 and COSTS of this matter in the amount of \$320.00.

4. Within 90 days of the date of this Order, Respondent Premier Realty shall pay a FORFEITURE in the amount of \$125.00 and COSTS of this matter in the amount of \$320.00.

5. Proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent 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 and costs as ordered or fail to submit proof of successful completion of the ordered education as set forth above, Respondents' licenses (no. 90-50461 and 91-700624) 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 and completion of the education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

Date

8-16-12