

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	:	
	:	FINAL DECISION AND ORDER
RUSSELL L. SOMMERS AND	:	
HODAG PROPERTY MANAGEMENT, LLC,	:	
RESPONDENTS.	:	ORDER 0001986

Division of Enforcement Case No. 11 REB 117

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

Russell L. Sommers
5496 Lake Julia Road
Rhineland, WI 54501

Hodag Property Management, LLC
1415 Eagle Street
Rhineland, WI 54501

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 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 Russell L. Sommers (dob 10/25/1974) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-54574, first issued on May 15, 2007 and current through December 14, 2012. Respondent Sommers' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5496 Lake Julia Road, Rhineland, WI 54501.

2. Respondent Hodag Property Management, LLC is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 91-701781, first issued on May 15, 2007 and current through December 14, 2012. Respondent Hodag Property Management, LLC's most recent address on file with the Department is 1415 Eagle Street, Rhinelander, WI 54501.

3. Respondent Sommers is the owner and responsible broker of Respondent Hodag Property Management, LLC.

4. On or about November 29, 2011, the Department received a complaint alleging that an unlicensed agent of Respondent Hodag Property Management, LLC drafted and signed residential lease agreements on behalf of the business entity. Division of Enforcement case number 11 REB 117 was subsequently opened for investigation.

5. The Department's investigation revealed that an unlicensed agent of Respondent Hodag Property Management, LLC had negotiated, written or signed approximately 19 lease agreements between August 1, 2011 and March 8, 2012 on behalf of the business entity.

6. In May 2012, Respondent Sommers was contacted by a Department investigator. Respondent Sommers informed the investigator that he wishes to voluntarily surrender his real estate broker license and the real estate business entity license of Respondent Hodag Property Management, LLC.

7. In resolution of this matter, Respondents Sommers and Hodag Property Management, 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 Sommers and Hodag Property Management, LLC violated Wis. Admin. Code § REEB 17.07 by employing an unlicensed person who performed real estate practice for them.

3. By the conduct described in the Findings of Fact, Respondents Sommers and Hodag Property Management, LLC violated Wis. Admin. Code § REEB 17.08(2) by failing to be responsible for the preparation, custody, safety and correctness of all entries on real estate forms.

4. By the conduct described in the Findings of Fact, Respondents Sommers and Hodag Property Management, LLC violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to protect the public against fraud, misrepresentation and unethical practices.

5. As a result of the above violations, Respondents Sommers and Hodag Property Management, LLC are subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(i) and (L).

ORDER


NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The VOLUNTARY SURRENDER of the Real Estate Broker license of Russell L. Sommers (license number 90-54574) and the Real Estate Business Entity license of Hodag Property Management, LLC (license number 91-701781) are hereby ACCEPTED.
3. If Respondent Sommers or Respondent Hodag Property Management, LLC ever seek to reinstate their licenses or apply for any other credential regulated by the Department, then they shall pay the costs of investigating and prosecuting this matter, in the amount of \$641.00, before any such application may be considered. Payment of the costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to:

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
4. In the event that Respondent Sommers or Respondent Hodag Property Management, LLC seek to reinstate their licenses or apply for any other real estate credential, they shall submit a new application for licensure and meet all requirements for licensure then existing at the time of their request.
5. Should Respondent Sommers or Respondent Hodag Property Management, LLC seek to reinstate their licenses or apply for any other real estate credential, the Wisconsin Real Estate Examining Board may in its sole discretion determine whether, and under what circumstances, a credential may be issued.
6. Respondent Sommers shall not practice as a real estate broker and Respondent Hodag Property Management, LLC shall not practice as a real estate business entity in Wisconsin without being licensed in Wisconsin.
7. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Board may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
8. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

8-16-12
Date