

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

JOHN J. HINES,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002316

Division of Legal Services and Compliance¹ Case No. 12 REB 039

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

John J. Hines
218 N. Broadway
Ellsworth, WI 54011

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

Division of Legal Services and Compliance
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 John J. Hines (dob May 15, 1936) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-27151, first issued on July 19, 1982, and current through December 14, 2012. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 218 N. Broadway, Ellsworth, WI 54011. Respondent is also licensed in the State of Wisconsin as an Auctioneer, having license number 052-513, first issued on March 1, 1995, and current through December 14, 2012.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On or about April 24, 2012, the Department received a complaint regarding the sale of real estate at an auction handled by Respondent in March 2009. Division of Legal Services and Compliance Case Number 12 REB 039 was subsequently opened for investigation on May 10, 2012.

3. The Department's investigation revealed that in January 2009, Respondent entered into a personal property auction contract and a WB-2 farm listing contract with sellers J.S. and R.S. for the sale of property located at 529 County Rd. U, Hudson, WI at an auction to be held in March 2009.

4. The WB-2 farm listing contract included in the purchase price all fixtures and defined fixtures as "property which is physically attached to or so closely associated with land and improvements as to be treated as part of the real estate, including, without limitation, ... fences and gates; ventilating fans;"

5. At the personal property auction, Respondent sold farm fixtures, such as gates and fencing equipment, barn fans and a corn crib.

6. Following the auction of the real estate, Respondent drafted a WB-12 Farm Offer to Purchase for the farm which included in the purchase price all fixtures.

7. Respondent failed to carefully address the sale of farm fixtures in the listing contract and offer to purchase.

8. In resolution of this matter, Respondent consents 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, Respondent violated Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(L) and 452.14(4m)(a).

ORDER

1. The attached Stipulation is accepted.

2. Respondent John J. Hines is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$277.00.

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

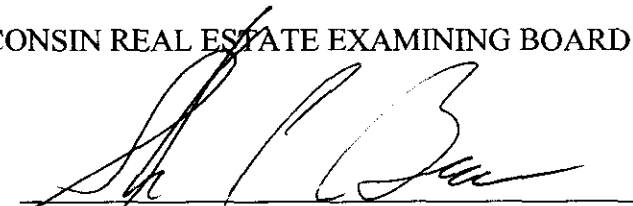
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

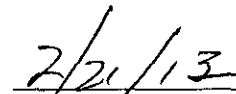
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the forfeiture and costs as ordered, Respondent's license (no. 90-27151) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board


Date