

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DEREK M. LARSON,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: ORDER 0002399

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 REB 032

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

Derek M. Larson  
P.O. Box 108  
Park Falls, WI 54552

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 Derek M. Larson (dob January 21, 1958) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-16772, first issued on March 15, 1977 and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 108, Park Falls, Wisconsin 54552.

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. Client A wished to purchase a property that offered a 3% commission to the buyer's agent. On June 23, 2011, Respondent's real estate office, through a broker, entered into a Buyer Agency Agreement with Client A.

3. The Buyer Agency Agreement specified that commission was to be paid by the seller.

4. On August 5, 2011, Client A closed on the transaction.

5. After the closing, seller did not pay the commission to Respondent's office. On May 14, 2012, after the matter was arbitrated in seller's favor, Respondent attempted to recover the commission by filing suit against Client A for the unpaid commission.

6. 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(2)(a) and Wis. Admin. Code § REEB 24.03(2)(b) by failing to provide brokerage services honestly and fairly.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Derek M. Larson is REPRIMANDED.

3. The Real Estate Broker license issued to Respondent (license number 90-16772) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete 3 hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course(s).

b. Respondent shall submit proof of completion of the ordered education 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 or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

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.

4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$675.00.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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

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 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 costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 90-16772) 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 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