

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
LEO C. FRONK AND	:	
BLUEGREEN VACATIONS UNLIMITED, INC.,	:	
RESPONDENTS.	:	ORDER 0002576

Division of Legal Services and Compliance¹ Case Nos. 12 REB 031 and 12 REB 056

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

Leo C. Fronk
N3097 Cty. Hwy. K
Mauston, WI 53948

Bluegreen Vacations Unlimited, Inc.
S944 Xmas Mountain Rd.
Wisconsin Dells, WI 53965

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 Leo C. Fronk (dob December 9, 1946) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 29637-90, first issued on October 17, 1983 and current through December 14, 2014. Respondent Fronk's most recent address on file

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

with the Wisconsin Department of Safety and Professional Services (Department) is N3097 County Highway K, Mauston, Wisconsin 53948.

2. Respondent Bluegreen Vacations Unlimited, Inc. (Bluegreen Vacations) is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 833134-91, first issued on December 6, 1984 and current through December 14, 2014. Respondent Bluegreen Vacations' most recent address on file with the Department is S944 Xmas Mountain Road, Wisconsin Dells, Wisconsin 53965.

3. At all times relevant to this matter, Respondent Fronk was the responsible broker of Respondent Bluegreen Vacations.

12 REB 031

4. Respondents employed M.M., a licensed timeshare salesperson who engaged in real estate practice for Respondents, from June 2010 to March 2011. M.M. failed to file the notice of his employment with Respondents to the Department during the time he was employed by Respondents.

12 REB 056

5. On or about March 25, 2008, T.M., a licensed timeshare salesperson employed by Respondents, completed a purchase agreement related to the sale of a timeshare. The purchase agreement contained Florida statutory contract references, along with references to Wisconsin statutory timeshare purchase agreement cancellation provisions.

6. The purchase agreement form had not been approved by the Board and did not contain the name of the drafter of the purchase agreement.

7. Respondents failed to properly supervise T.M. throughout the execution of the purchase agreement.

8. In resolution of this matter, Respondents 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 violated Wis. Admin. Code § RL (now REEB) 17.07 by employing a person who failed to file the notice of employment required to engage in real estate practice for the broker.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § RL (now REEB) 17.08(1) and (2) by failing to properly supervise an employed licensee in the execution of a timeshare purchase agreement.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § RL (now REEB) 16.04(2) by failing to include the name of the drafter on a non-approved contractual form.

5. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(i), (L), (m) and (4m)(a).

ORDER

1. The attached Stipulation is accepted.

2. Respondents Leo C. Fronk and Bluegreen Vacations Unlimited, Inc. are **REPRIMANDED**.

3. The Real Estate Broker license issued to Leo C. Fronk (license number 29637-90) is **LIMITED** as follows:

a. Within 90 days of the date of this Order, Respondent Fronk shall successfully complete 6 hours of education on the topics of forms and 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 Fronk shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at 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 Fronk's license and Respondent will be granted a full, unrestricted license after he satisfies the Board or its designee that he has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Respondent Fronk shall pay a **FORFEITURE** in the amount of \$500.00 and **COSTS** of this matter in the amount of \$327.00.

5. Within 90 days from the date of this Order, Respondent Bluegreen Vacations shall pay a **FORFEITURE** in the amount of \$500.00 and **COSTS** of this matter in the amount of \$327.00.

6. Proof of successful course completion and payment of forfeitures and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent Fronk 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

7. 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 forfeitures and costs as ordered, Respondents' licenses (nos. 29637-90 and 833134-91) 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. In the event Respondent Fronk fails to submit proof of successful completion of the ordered education as set forth above, Respondent Fronk's license (no. 29637-90) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent Fronk has complied with completion of the education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

8-22-13
Date