

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

HELEN B. WANCA AND
ADVANTAGE REALTY, LLC,
RESPONDENTS.

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FINAL DECISION AND ORDER

ORDER 0002707

Division of Legal Services and Compliance Case No. 13 REB 001

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

Helen B. Wanca
521 5th Ave.
Antigo, WI 54409

Advantage Realty, LLC
308 Superior St.
Antigo, WI 54409

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 Helen B. Wanca (dob October 10, 1938) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 48133-90, first issued on September 5, 1995, and current through December 14, 2014. Respondent Wanca's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 521 5th Avenue, Antigo, Wisconsin 54409.

2. Respondent Advantage Realty, LLC (Advantage Realty) is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 700314-91, first issued on January 13, 2000, and current through December 14, 2014. Respondent Advantage Realty, LLC's most recent address on file with the Department is 308 Superior Street, Antigo, Wisconsin 54409. Respondent Wanca is the owner and responsible broker of Respondent Advantage Realty.

3. Respondent Advantage Realty operated with an expired license from December 15, 2010 to August 3, 2012. During that time period, Respondents were involved in a minimum of sixty-nine real estate transactions.

4. On August 3, 2012, a Department auditor performed an audit of the real estate trust account of Respondent Advantage Realty. The audit revealed the following:

- a. \$500.00 had been received for a land contract deal in February 2007 and had not been disbursed;
- b. \$350.00 was held for a secondary buyer and should have been returned in April 2011, but had not been dispersed;
- c. There were 11 instances of missing or incorrect ledger numbers in the journal; and
- d. There were 5 other instances of errors in the ledgers.

5. Subsequent to the August 3, 2012 audit, the Department auditor requested a copy of the last page of the journal from Respondent Wanca. Upon receipt, the Department auditor discovered that a new journal, with at least five revisions, had been created to replace the one the auditor viewed during his audit on August 3, 2012.

6. The Department auditor found that reconciliations for February, March and April 2012 had not been performed until at least July 31, 2012 and the date stamps had been removed from the reports.

7. 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 § REEB 18.13(1), (2), (3), (4), and (5) by failing to: properly maintain a journal and a ledger; reconcile the real estate trust account each month; prepare a trial balance of all open items; and ensure all records are valid and in agreement as of the date the account statement has been reconciled.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. §§ 452.03 and 452.12(5)(b) by engaging in the business of a broker through Advantage Realty, LLC while Advantage Realty, LLC's real estate business entity license was expired.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondents Helen B. Wanca and Advantage Realty, LLC are REPRIMANDED.

3. The Real Estate Broker license issued to Respondent Helen B. Wanca (license number 48133-90) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent Wanca shall successfully complete six hours of education on the topic of trust accounts and three 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 courses.

b. Respondent 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 Wanca's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The Real Estate Broker license issued to Respondent Helen B. Wanca (license number 48133-90) is further LIMITED and the Real Estate Business Entity license issued to Advantage Realty, LLC (license number 700314-91) is LIMITED as follows:

a. Respondents' real estate trust account shall be supervised by a real estate broker pre-approved by the Board's monitoring liaison.

b. Respondents shall submit monthly reports, beginning in the first month after the month in which this Order is effective, to the Department Monitor at the address listed below, by the 15th day of each month thereafter until this limitation is removed as provided for below. The monthly reports shall include:

i. A trial balance that itemizes, by owner's name, all money and deposits Respondents are holding at the statement closing date;

- ii. Bank statements for Respondents' real estate trust account;
 - iii. A reconciliation in accordance with Wis. Admin. Code § REEB 18.13(3) that includes a numbered list of outstanding checks; and
 - iv. The check register showing all real estate trust account transactions for the period in chronological order, along with a daily running balance.
- c. The reports shall be reviewed for accuracy by the Department Auditor. In the event that errors are found, the matter may be referred to the Division of Legal Services and Compliance and a new case against Respondents may be opened.
- d. The Board or its designee may require Respondent Wanca to appear before it at any time, provided that written notice is given to Respondent Wanca at the most recent addresses on file with the Department at least 30 days before any scheduled meeting.
- e. This limitation shall be removed upon proof satisfactory to the Board or its designee that Respondents have provided six complete and correct monthly reports and that the terms of the limitation have been satisfied.
5. Within 90 days from the date of this Order, Respondent Wanca shall pay a FORFEITURE in the amount of \$250.00 and COSTS of this matter in the amount of \$195.00.
6. Within 90 days from the date of this Order, Respondent Advantage Realty shall pay a FORFEITURE in the amount of \$250.00 and COSTS of this matter in the amount of \$195.00.
7. Payment of forfeitures and costs (made payable to the Wisconsin Department of Safety and Professional Services), proof of successful course completion, and the monthly reports shall be sent by Respondents to the Department Monitor at the address below:

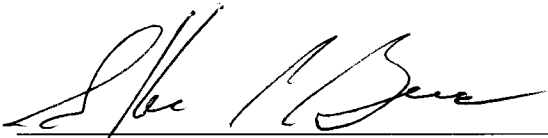
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

8. 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 a forfeiture or costs, or fail to submit a monthly report, as ordered, Respondents' licenses (nos. 48133-90 and 700314-91) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing,

until Respondent(s) have complied with payment of the forfeiture(s) and costs, and submission of any monthly report(s). In the event Respondent Wanca fails to submit proof of successful completion of the ordered education as set forth above, Respondent Wanca's license (no. 48133-90) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent Wanca has complied with successful completion of the ordered education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

10-31-13
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HELEN B. WANCA AND
ADVANTAGE REALTY, LLC,
RESPONDENTS.

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STIPULATION

ORDER 0002707

Division of Legal Services and Compliance Case No. 13 REB 001

Respondents Helen B. Wanca and Advantage Realty, LLC and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

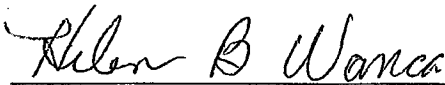
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



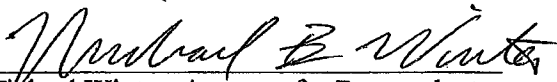
Helen B. Wanca, Respondent
521 5th Ave.
Antigo, WI 54409
License no. 48133-90

10-7-13
Date



Advantage Realty, LLC, Respondent
By: Helen B. Wanca, Owner
308 Superior St.
Antigo, WI 54409
License no. 700314-91

10-7-13
Date



Michael Winter, Attorney for Respondent
Winter, Winter & Behrens Attorneys at Law
835 5th Avenue
Antigo, WI 54409

10/7/13
Date