

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

ANDREW H. SELENSKE,
RESPONDENT.

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FINAL DECISION AND ORDER

0003579

Division of Legal Services and Compliance Case No. 13 REB 010

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

Andrew H. Selenske
5020 Mill Ave.
Wisconsin Rapids, WI 54494

Wisconsin Real Estate Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Andrew H. Selenske (dob November 19, 1940) is licensed in the State of Wisconsin as a real estate broker, having license number 47018-90, first issued on August 17, 1993 and current through December 14, 2014. Andrew H. Selenske's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5020 Mill Ave., Wisconsin Rapids, WI 54494.

2. On March 9, 2011, Respondent entered into a WB-36 Buyer Agency/Tenant Representation Agreement with a Buyer. The agency agreement specified Respondent was to negotiate the procurement of a property known as the Plainfield Truck Stop on Buyer's behalf.

3. On or about March 9, 2011, Buyer paid Respondent \$70,000 to be deposited into the Selenske Real Estate Trust for the purchase of the Plainfield Truck Stop.

4. On November 2, 2011, Respondent transferred ownership of the Plainfield Truck Stop from the Selenske Real Estate Trust to A&E Truck Plaza, LLC, of which Respondent was a part owner.

5. Respondent failed to put any agreements other than the WB-36 Buyer Agency/Tenant Representation Agreement in writing.

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, Andrew H. Selenske violated Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.

3. By the conduct described in the Findings of Fact, Andrew H. Selenske violated Wis. Stat. § 452.133(2)(c) by failing to fulfill an obligation required by the agency agreement.

4. By the conduct described in the Findings of Fact, Andrew H. Selenske violated Wis. Admin. Code § REEB 24.08 by failing to put all financial obligations and any other commitments regarding transactions in writing.

5. As a result of the above violations, Andrew H. Selenske is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Andrew H. Selenske is REPRIMANDED.

3. The real estate broker license issued to Andrew H. Selenske (license number 47018-90) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete 6 hours of education in the topics of business ethics and consumer protection 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's 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, Andrew H. Selenske shall pay COSTS of this matter in the amount of \$690.

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 7190, Madison, WI 53707-7190
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. 47018-90) 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

12-4-2014
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANDREW H. SELENSKE,
RESPONDENT.

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:
:

STIPULATION

0003579

Division of Legal Services and Compliance Case No. 13 REB 010

Respondent Andrew H. Selenske 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. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's 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 Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent
is represented by Attorney Jared Redfield.

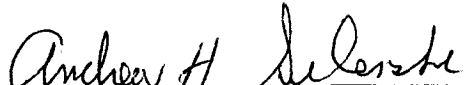
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to
the entry of the attached Final Decision and Order without further notice, pleading, appearance
or consent of the parties. Respondent waives 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 Respondent, 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.

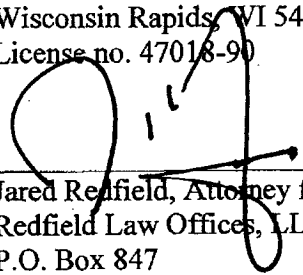
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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




Andrew H. Selenske, Respondent
5020 Mill Ave.
Wisconsin Rapids, WI 54494
License no. 47018-90

11-3-2014
Date



Jared Redfield, Attorney for Respondent
Redfield Law Offices, LLC
P.O. Box 847
Stevens Point, WI 54481

11/3/14
Date



Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/5/14
Date