

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

SEAN C. LENTZ AND EXSELL
REAL ESTATE EXPERTS,
RESPONDENTS.

:
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: FINAL DECISION AND ORDER
:
:
:

0004183

Division of Legal Services and Compliance
Case Nos. 13 REB 054, 13 REB 094 and 14 REB 105

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

Sean C. Lentz
944 Bark Lake Lane
Hubertus, WI 53033

Exsell Real Estate Experts
634 S. Colonial Parkway
Saukville, WI 53080

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 Sean C. Lentz (dob December 2, 1984) is licensed in the State of Wisconsin as a real estate broker, having license number 55409-90, first issued on December 10, 2008 and current through December 14, 2016. Sean C. Lentz's most recent address on file with

the Wisconsin Department of Safety and Professional Services (Department) is 944 Bark Lane, Hubertus, WI 53033.

2. Respondent Exsell Real Estate Experts is licensed in the State of Wisconsin as a real estate business entity, having license number 936375-91, first issued on December 18, 2008 and current through December 14, 2016. Exsell Real Estate Experts' most recent address on file with the Department is 634 S. Colonial Parkway, Saukville, WI 53080.

3. Respondent Lentz is identified in Department records as one of two responsible brokers for Respondent Exsell Real Estate Experts.

4. On August 16, 2012, the Board disciplined Respondents for failing to hold client funds in trust, improperly retaining client funds, making errors in drafting contracts and assisting in the unlicensed practice of real estate. Respondent Exsell Real Estate Experts (then named Exsell Realty) was reprimanded. Respondent Lentz was (i) suspended for thirty (30) days; (ii) ordered to complete eighteen (18) hours of education in the topics of trust accounts, ethics and contracts or approved forms; and (iii) ordered to pay the costs of the proceeding.

5. The Department subsequently received three (3) additional consumer complaints regarding Respondents and opened the following disciplinary cases.

13 REB 054

6. On March 8, 2013, Respondents entered into a listing contract for the exclusive right to sell a property located in Appleton, WI.

7. On April 3, 2013, Respondents listed the property on MLS for \$179,900.

8. On April 20, 2013, prospective buyers made an offer through their agent to purchase the property in Appleton, WI for \$170,000 with the condition that the sellers respond to the offer by noon on April 21, 2013.

9. Respondent Lentz did not submit the offer to the sellers.

10. On April 21, 2013, Respondent Lentz informed the buyers' agent that he had submitted the offer to the sellers. He further stated the sellers had received a different offer and intended to make multiple counter offers to both parties.

11. Later in the evening on April 21, 2013, the buyers called the sellers directly to explain they had not received a counter offer but intended to accept it when they did.

12. The sellers explained they had not received the buyers' offer and did not intend to make any multiple counter offers because they had already signed a purchase agreement with the other interested party.

13 REB 094

13. On July 1, 2012, Respondents entered into a listing contract for the exclusive right to sell a property located in Quincy, WI.

14. On December 3, 2012, Respondents entered into a listing contract for the exclusive right to sell a property located in Eureka, WI.

15. Respondent Lentz did not inspect the property located in Eureka, WI before executing the listing contract.

16. Respondents placed listings for both properties on MLS and continued to advertise the properties on MLS after the listing contracts expired.

14 REB 105

17. On March 24, 2014, Respondents entered into a listing contract for the exclusive right to sell a property located in Seymour, WI. The contract was to expire on September 24, 2014.

18. Respondent Lentz did not inspect the inside of the home prior to executing the listing contract.

19. From April 22, 2014 to June 23, 2014, the Board suspended Respondent Lentz's license for failure to pay costs ordered in the Board's August 16, 2012 Order, described in paragraph 4, above.

20. From April 22, 2014 to June 23, 2014, Respondent Lentz engaged in the practice of real estate by listing properties on the Northeast Wisconsin MLS (RANW) during his suspension.

21. From April 22, 2014 to June 23, 2014, Respondent Lentz's MLS listing of the home located in Seymour, WI was deactivated due to his suspension.

22. Respondent Lentz did not inform the sellers of his suspension or explain he could no longer list the home on MLS because his account was deactivated.

23. On May 22, 2014, the seller contacted Respondent Lentz to ask why her house was no longer listed on MLS. Respondent Lentz stated his office MLS had undergone a transition and would repost the listing the next day. He assured the seller the home was still marketed.

24. On May 23, 2014 and June 3, 2014, the seller again contacted Respondent Lentz to ask why the house was still not posted on MLS. The seller also requested Respondent Lentz reduce the asking price.

25. On June 3, 2014, Respondent Lentz told the seller he was still working with MLS to correct the exposure issue and would reduce the asking price as soon as possible.

26. 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, Sean C. Lentz 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, Sean C. Lentz violated Wis. Stat. § 452.133(2)(b) by failing to disclose to the client all information known by him that was material to the transaction and that was not known by the client.

4. By the conduct described in the Findings of Fact, Sean C. Lentz violated Wis. Stat. § 452.03 by engaging in the practice of real estate and holding himself out as a real estate broker without a license.

5. By the conduct described in the Findings of Fact, Sean C. Lentz violated Wis. Admin. Code § REEB 24.17(3) by violating a condition of a disciplinary order of the Board.

6. By the conduct described in the Findings of Fact, Sean C. Lentz violated Wis. Admin. Code § REEB 24.07(1)(b) by failing to inspect real estate prior to executing a listing contract.

7. By the conduct described in the Findings of Fact, Sean C. Lentz violated Wis. Admin. Code § REEB 24.13(2)(b) by failing to promptly present all written proposals received to the client.

8. By the conduct described in the Findings of Fact, Exsell Real Estate Experts violated Wis. Admin. Code § REEB 24.17(1) by aiding or abetting the aforementioned violations.

9. As a result of the above violations, Sean C. Lentz and Exsell Real Estate Experts are subject to discipline pursuant to Wis. Stat. § 452.14(3).

ORDER

1. The attached Stipulation is accepted.

2. The real estate broker license issued to Respondent Sean C. Lentz (no. 55409-90) is SUSPENDED for either (i) thirty (30) days, beginning ten (10) days after the date of this Order, or (ii) until he completes the following education, whichever is longer.

a. Sean C. Lentz shall successfully complete a course in each of the following topics: business ethics and consumer protection. These courses shall

be offered by a provider pre-approved by the Board's monitoring liaison, and Sean C. Lentz shall take and pass any exam offered for the courses.

b. Sean C. Lentz 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.

3. The real estate broker license issued to Respondent Sean C. Lentz (no. 55409-90) is LIMITED as follows.

a. Sean C. Lentz shall have no supervisory authority within Exsell Real Estate Experts, LLC and no responsibility for or authority to control or direct any daily business operations of Exsell Real Estate Experts, LLC. Commencing forty-five (45) days after the date of this Order, Sean C. Lentz shall have less than fifty (50) percent ownership interest in Exsell Real Estate Experts, LLC. Notwithstanding the foregoing, this Order does not otherwise prohibit Sean C. Lentz from working as a real estate broker at Exsell Real Estate Experts, LLC, subject to the limitations in this Order.

b. Sean C. Lentz shall at all times practice as a real estate broker under the supervision of a Wisconsin licensed real estate broker pre-approved by the Board or its designee and shall not supervise the work of any other licensee.

c. Sean C. Lentz shall notify his supervising broker of his disciplinary history with the Board and shall provide a copy of this Order to his supervising broker prior to commencement of the supervision.

d. Sean C. Lentz shall arrange for written reports from his supervising broker to be provided to the Board on a quarterly basis, commencing ninety (90) days after the date of this Order. These reports shall assess work performance, including the nature and extent of his broker activities and whether he has practiced in compliance with all laws governing the practice of real estate.

e. Sean C. Lentz shall submit on a quarterly basis, commencing ninety (90) days after the date of this Order, a signed statement certifying that he is in compliance with all terms and conditions of this Order.

f. Sean C. Lentz shall commit no violations of law, and shall report all law enforcement contacts leading to arrest, charge or conviction to the Board within forty-eight (48) hours of any such event.

g. Sean C. Lentz shall report to the Board any change of residence, address or telephone number within five (5) days of the date of a change.

4. Sean C. Lentz is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. He shall promptly notify the Board of any suspected violations of any of the terms and conditions of this Order.

5. Sean C. Lentz shall be responsible for all costs and expenses associated with compliance with this Order.

6. After two (2) years of practice in compliance with all terms and conditions of this Order, Sean C. Lentz may petition the Board for modification or termination of the above limitations. The Board may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit; however, the Board may not impose additional restrictions, sanctions, or punishment by way of such modification unless the same is mutually agreed to by Sean C. Lentz. A denial of such petition(s) for modification or termination shall not be deemed a denial of a license under Wis. Stat. §§ 227.01(3) or 227.42, or Wis. Admin. Code Ch. 1, and shall not be subject to any right to further hearing or appeal.

7. Within ninety (90) days from the date of this Order, Sean C. Lentz shall pay a \$1,000 forfeiture and COSTS of this matter in the amount of \$850.

8. Within ninety (90) days from the date of this Order, Exsell Real Estate Experts shall pay a \$1,000 forfeiture.

9. Payment of forfeitures and costs, any petition to the Board, requests for pre-approval, written reports or other submissions required by this Order shall be sent by Sean C. Lentz (or others, as appropriate) to the Department Monitor at the address below:

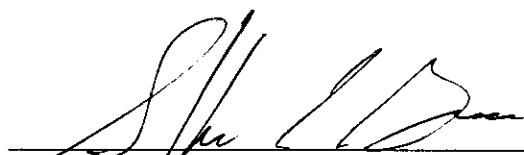
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

10. 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 arrange for timely submission of any written reports, fail to timely submit any signed statements or other information required by this Order, or fail to timely submit payment of the forfeitures and costs as ordered, Respondents' licenses (nos. 55409-90 and 936375-91) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with submission of any written reports, signed statements, and other information required by this Order and have complied with payment of the forfeitures and costs.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

8-13-15
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SEAN C. LENTZ AND EXSELL
REAL ESTATE EXPERTS
RESPONDENTS.

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STIPULATION

0004183

Division of Legal Services and Compliance
Case Nos. 13 REB 054, 13 REB 094 and 14 REB 105

Respondent Sean C. Lentz, Respondent Exsell Real Estate Experts 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. Respondents are represented by Attorney Matthew R. Leffler.


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.

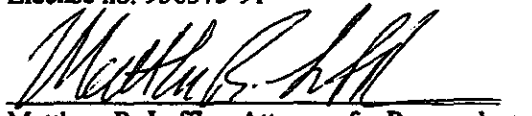
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Sean C. Lentz, Respondent
W168N11370 Stone Way, Apt. 6
Germantown, WI 53022
License no. 55409-90

8/5/2015
Date


Excell Real Estate Experts, Respondent
By: Authorized Representative
634 S. Colonial Parkway
Saukville, WI 53080
License no. 936375-91

8/5/2015
Date


Matthew R. Leffler, Attorney for Respondents
Axley Brynerson, LLP
N20W22961 Watertown Road
Waukesha, WI 53186

8/5/15
Date

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

8/5/15
Date