

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

LAVON M. JENSEN AND LMJ
ASSOCIATES, INC.,
RESPONDENTS.

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FINAL DECISION AND ORDER

0004408

Division of Legal Services and Compliance Case No. 14 REB 113

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

LaVon M. Jensen
1314 Grand Ave.
Wausau, WI 54403

LMJ Associates, Inc.
1314 Grand Ave.
Wausau, WI 54403

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 LaVon M. Jensen (DOB November 30, 1931) is licensed by the State of Wisconsin as a Real Estate Broker, having license number 21597-90, first issued on February 23, 1979 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1314 Grand Avenue, Wausau, Wisconsin 54403.

2. Respondent LMJ Associates, Inc. is licensed by the State of Wisconsin as a Real Estate Business Entity, having license number 834269-91, first issued on June 4, 1992 and current through December 14, 2016. Respondent's most recent address on file with the Department is 1314 Grand Avenue, Wausau, Wisconsin 54403.

3. Respondents maintain a common real estate trust account at Integrity First Bank in Wausau, Wisconsin designated as LMJ Associates, Inc. DBA REMAX of Wausau with account number ending in -64.

4. On June 19, 2014, an auditor with the Department audited Respondents' trust account. The audit revealed the following:

- a. Ledgers were not maintained.
- b. Monthly trial balances were not performed.
- c. Accounts were not validated monthly.
- d. Two (2) commission checks had remained in the account for over twenty-four (24) hours after the transactions were completed and the commissions were earned.
- e. The trust account still contained money from transactions that originated in 2004, although Respondent Jensen stated on the pre-audit questionnaire that she was holding no money for transactions more the six (6) months old.
- f. Rather than recording the date money was received in the computerized journal, Respondents recorded the date that a transaction file was opened.
- g. Respondent Jensen could not locate or provide information on two (2) missing trust account checks.
- h. The trust account was constructively overdrawn from approximately January 2012 through April 2013. Respondents overcorrected the shortage and as a result commingled over \$300 of personal funds in the trust account from May 2013 until the audit date.

5. 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, LaVon M. Jensen violated Wis. Stat. § 452.133(1)(f) by failing to safeguard trust funds.

3. By the conduct described in the Findings of Fact, LaVon M. Jensen violated Wis. Admin. Code § REEB 18.09(3)(a) by failing to withdraw commissions she earned from the trust account within twenty-four (24) hours after the transactions were consummated or terminated, or after the commissions or fees were earned.

4. By the conduct described in the Findings of Fact, LaVon M. Jensen violated Wis. Admin. Code § REEB 18.10 by commingling personal funds in the trust account.

5. By the conduct described in the Findings of Fact, LaVon M. Jensen violated Wis. Admin. Code § REEB 18.13(3) through (5) by:

- a. failing to reconcile the real estate trust account in writing each month;
- b. failing to prepare a written trial balance each month; and
- c. failing to validate trust account statements each month.

6. By the conduct described in the Findings of Fact, LMJ Associates, Inc. violated Wis. Admin. Code § REEB 24.17(3) by aiding or abetting the above violations.

7. As a result of the above violations, LaVon M. Jensen and LMJ Associates, Inc. are subject to discipline pursuant to Wis. Stat. § 452.14(3)(h), (i) and (L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent LaVon M. Jensen is REPRIMANDED.

3. Respondent LMJ Associates, Inc. is REPRIMANDED.

4. The Real Estate Broker license issued to Respondent LaVon M. Jensen (license number 21597-90) and the Real Estate Business Entity license issued to Respondent LMJ Associates, Inc. (license number 834269-91) are LIMITED as follows:

- a. Respondents shall not utilize more than one real estate trust account. If Respondents choose to utilize a real estate trust account, they must contract with an Account Manager to manage the account. The Account Manager must be either: (i) a Wisconsin licensed Real Estate Broker pre-approved by the Board or its designee or (ii) a Wisconsin certified Certified Public Accountant in good standing with the Wisconsin Accounting Examining Board.

- b. Within at least thirty (30) days of the date of this Order, Respondents shall inform the Board or its designee whether they wish to utilize a real estate trust account.
- c. If Respondents choose to utilize a real estate trust account:
 - i. They shall inform the Board or its designee of their nominated Account Manager before they may utilize the account. If the nominated Account Manager is a Real Estate Broker, they shall not utilize the account until the Board or its designee approves the Account Manager.
 - ii. Respondents may choose to close their trust account at any time.
 - iii. Respondents shall contract with the Account Manager to document trust account activities, perform all of the activities required by Wis. Admin. Code ch. REEB 18, and verify Respondents are in compliance with all statutes and regulations pertaining to real estate client funds and trust accounts.
 - iv. Respondents shall notify the Account Manager of their disciplinary history with the Board, and shall provide a copy of this Order to the Account Manager.
 - v. Respondents shall notify the Board at least ten (10) days prior to contracting with any new Account Manager and shall obtain pre-approval for any new Account Manager who is a Wisconsin licensed Real Estate Broker.
- d. Respondents shall arrange for submission of the following on a yearly basis, commencing on January 15, 2016:
 - i. A signed statement from Respondents certifying that they are in compliance with all terms and conditions of this Order.
 - ii. A signed statement from the Account Manager, if any, verifying that he or she is providing the services required under this Order.
- e. Respondents are responsible for compliance with all of the terms and conditions of this Order, including the timely submission of statements by others, and are responsible for all costs associated with compliance with this Order. They shall promptly notify the Board of any suspected violations of any of the terms and conditions of this Order.
- f. After five (5) years of practice in compliance with all terms and conditions of this Order, Respondents 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. 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.

5. Within ninety (90) days from the date of this Order, Respondent LaVon M. Jensen shall pay one-half of the COSTS of this matter in the amount of \$370.

6. Within ninety (90) days from the date of this Order, Respondent LMJ Associates, Inc. shall pay one-half of the COSTS of this matter in the amount of \$370.

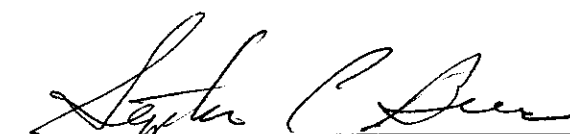
7. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), requests for pre-approval, and submission of yearly reports and other statements required by this Order shall be sent to the Department Monitor at the address below:

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

8. In the event Respondents fail to timely submit payment of the costs as ordered or fail to submit requests for pre-approval, yearly reports, or other statements required by this Order, Respondents' licenses (numbers 21597-90 and 834269-91), or Respondents' right to renew their licenses, 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 costs and submission of requests for pre-approval, yearly reports, or other statements required by this Order.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Real Estate Examining Board

12-3-15
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LAVON M. JENSEN AND LMJ
ASSOCIATES, INC.,
RESPONDENTS.

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STIPULATION

0004408

Division of Legal Services and Compliance Case No. 14 REB 113

Respondents LaVon M. Jensen and LMJ Associates, Inc. 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.

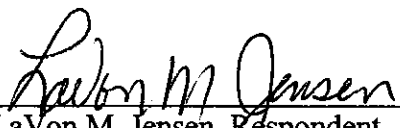
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

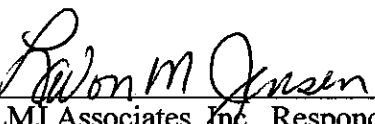
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



LaVon M. Jensen, Respondent
1314 Grand Avenue
Wausau, WI 54403
License no. 21597-90

11-12-15

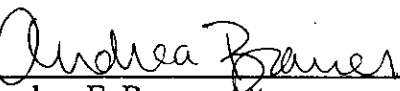
Date



LMJ Associates, Inc., Respondent
By: La Von M. Jensen
1314 Grand Avenue
Wausau, WI 54403
License no. 834269-91

11-12-15

Date



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

11-18-15

Date