

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
SAMUEL M. DICKMAN AND THE :  
DICKMAN COMPANY, INC., :  
RESPONDENTS. :

**0004559**

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Division of Legal Services and Compliance Case No. 15 REB 040

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

Samuel M. Dickman  
2224 E. Kensington Boulevard  
Shorewood, WI 53211

The Dickman Company, Inc.  
626 E. Wisconsin Avenue, Suite 1020  
Milwaukee, WI 53202

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 Samuel M. Dickman (DOB August 19, 1970) is licensed by the State of Wisconsin as a Real Estate Broker, having license number 47186-90, first issued on November 2, 1993 and current through December 14, 2016. Respondent Dickman's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2224 E. Kensington Boulevard, Shorewood, WI 53211.

2. Respondent The Dickman Company, Inc. is licensed by the State of Wisconsin as a Real Estate Business Entity, having license number 834933-91, first issued on November 27, 1996 and current through December 14, 2016. Respondent The Dickman Company, Inc.'s most recent address on file with the Department is 626 E. Wisconsin Avenue, Suite 1020, Milwaukee, WI 53202.

3. Without prompting from any third party including, but not limited to, any representative of the Department, on or about November 26, 2014, Respondents self-registered with the Department a common real estate trust account, designated The Dickman Company, Inc. IBRETA Trust Account, held at BMO Harris Bank of Milwaukee, with account number ending in -45.

4. On the form registering the account, a representative of BMO Harris Bank of Milwaukee certified that the account balance was \$41,926 on November 24, 2014. The Department's auditor noted this is an unusually high opening balance for a common real estate trust account.

5. On March 24, 2015, the Department's auditor performed an audit of Respondents' common real estate trust account. The Department's audit revealed the following:

a. Respondents' common real estate trust account was opened in 1996 but, not being aware of the IBRETA requirements, Respondents did not register the account with the Department until on or about November 26, 2014 and Respondents did not instruct BMO Harris Bank of Milwaukee to treat the account as an interest-bearing common real estate trust account and send account interest to the Department of Administration until late in the year 2014.

b. On several occasions, BMO Harris Bank of Milwaukee charged fees to the account, for a cumulative total of \$74. However, because Respondents had never deposited additional personal funds in the account to offset the fees, the fees caused the account to be constructively overdrawn for at least 2 (two) years prior to the audit date.

c. Respondents had not been preparing a written monthly trial balance.

d. Respondents voluntarily brought the trust account into compliance with IBRETA requirements when they realized the noncompliance.

6. 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, Samuel M. Dickman violated Wis. Stat. § 452.13(2)(b)1. by failing, until November 26, 2014, to register with the Department the name and address of the depository institution and the number of the interest-bearing common trust account, which he maintained.

3. By the conduct described in the Findings of Fact, Samuel M. Dickman violated Wis. Admin. Code § REEB 18.035(1) providing the Department with the name and number of the account, with the name of the depository institution in which he holds the account and with information concerning whether the account is for client funds or for real estate trust funds other than client funds more than ten (10) days after opening of the account.

4. By the conduct described in the Findings of Fact, Samuel M. Dickman violated Wis. Stat. § 452.13(2)(e) by failing to direct the depository institution to annually, before February 1, remit to the Department of Administration the total interest or dividends, minus service charges or fees, earned on the average daily balance in the interest-bearing common trust account during the twelve (12) months ending on the previous December 31.

5. By the conduct described in the Findings of Fact, Samuel M. Dickman violated Wis. Stat. § 452.133(1)(f) and Wis. Admin. Code § REEB 18.10(2) by failing to deposit \$74 of additional personal funds in the account within 10 business days following receipt of a statement or other notification from a depository institution that a service charge has been made against the account for which insufficient personal funds were available in the real estate account.

6. By the conduct described in the Findings of Fact, Samuel M. Dickman violated Wis. Admin. Code § REEB 18.13(4) by failing to prepare a monthly trial balance.

7. By the conduct described in the Findings of Fact, The Dickman Company, Inc. violated Wis. Admin. Code § REEB 24.17(3) by aiding or abetting the above violations.

8. As a result of the above violations, Samuel M. Dickman and The Dickman Company, Inc. are subject to discipline pursuant to Wis. Stat. § 452.14(3) (h), (i), and (L) and Wis. Stat. § 452.14(4m)(a) and (b).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent Samuel M. Dickman is REPRIMANDED.
3. Respondent The Dickman Company, Inc. is REPRIMANDED.
4. The Real Estate Broker license issued to Respondent Samuel M. Dickman (license number 47186-90) is LIMITED as follows:
  - a. Within 90 (ninety) days from the date of this Order, Respondent Dickman shall successfully complete 6 (six) hours of education on the topic of trust accounts offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

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

5. Within ninety (90) days from the date of this Order, Respondent Samuel M. Dickman shall pay a FORFEITURE in the amount of \$1,000 and one-half of the COSTS of this matter in the amount of \$185.

6. Within ninety (90) days from the date of this Order, Respondent The Dickman Company, Inc. shall pay a FORFEITURE in the amount of \$1,000 and one-half of the COSTS of this matter in the amount of \$185.

7. 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 to the Department Monitor at the address below:

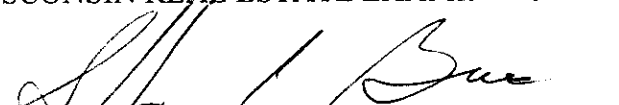
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

8. In the event Respondents fail to timely submit payment of the forfeitures and costs as ordered or fail to submit proof of successful completion of the ordered education as set forth above, Respondents' licenses (47186-90 and 834933-91), 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 forfeitures and costs and completion of the education.

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

2-18-16  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SAMUEL M. DICKMAN AND THE  
DICKMAN COMPANY, INC.,  
RESPONDENTS.

:  
:  
:  
:  
:  
:

STIPULATION

0004559

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Division of Legal Services and Compliance Case No. 15 REB 040

Respondent Samuel M. Dickman, Respondent The Dickman Company, 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.

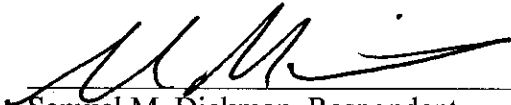
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents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

  
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Samuel M. Dickman, Respondent  
2224 E. Kensington Boulevard  
Shorewood, WI 53211  
License no. 47186-90

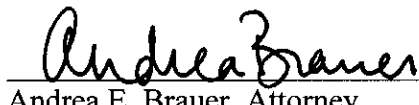
1/18/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
The Dickman Company, Inc., Respondent  
626 E. Wisconsin Avenue, Suite 1020  
Milwaukee, WI 53202  
License no. 834933-91

1/18/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Deborah C. Tomczyk, Attorney for Respondents  
Reinhart Boerner Van Deuren S.C.  
1000 North Water Street, Suite 1700  
Milwaukee, WI 53202

1/18/16  
\_\_\_\_\_  
Date

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

1/19/16  
\_\_\_\_\_  
Date