

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

TRACY L. TURNER,
RESPONDENT.

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FINAL DECISION AND ORDER

0004983

Division of Legal Services and Compliance Case No. 15 REB 001

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

Tracy L. Turner
1678 85th St.
New Richmond, WI 54017

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 Tracy L. Turner (DOB 09/06/1974) is licensed by the State of Wisconsin as a real estate salesperson, having license number 79555-94, first issued on December 3, 2014 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1678 85th Street, New Richmond, Wisconsin 54017.

2. On or about November 7, 2014, Respondent submitted an application to the Department for a real estate salesperson license. On the application, Respondent answered "NO" to the following question:

“Have you ever been convicted of a misdemeanor or a felony or operating while intoxicated (OWI), in this state or any other state, OR are criminal charges or OWI charges currently pending against you?”

3. Respondent also certified on the application that all answers on the application were strictly true.

4. Respondent was granted a real estate salesperson license on December 3, 2014.

5. On or about January 12, 2015, the Department received a complaint alleging that Respondent had been charged with embezzlement from a title company. The Division of Legal Services and Compliance subsequently opened Case Number 15 REB 001 for investigation.

6. On February 19, 2015, an investigator with the Department sent a letter to Respondent's address of record, requesting that she respond to the allegations in the complaint.

7. Respondent never responded to the Department investigator's February 19, 2015 letter.

8. Court records obtained during the course of the Department's investigation revealed that on August 13, 2014, Respondent was charged with Theft-Business Setting Over \$10,000, a Class G Felony, in St. Croix County Circuit Court Case Number 2014CF000327.

9. According to the criminal complaint, while Respondent was an Executive Closer at All American Title Company, she wrote checks from All American Title Company account ending in -41; these checks should have been made out to and deposited by customers for refunds of escrowed taxes, but instead were deposited into Respondent's personal home mortgage account ending in -47.

10. 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, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(a) by making a material misstatement in the application for a license or registration, or in any information furnished to the board or department.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(5) by failing to respond to the Department regarding a request for information within thirty (30) days of the date of the request.

4. As a result of the above violation, Respondent is also subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Tracy L. Turner's real estate salesperson license (number 79555-94) is hereby ACCEPTED.

3. Respondent shall not attempt to reactivate or reinstate her license unless she is acquitted of the pending felony charge against her in St. Croix County Circuit Court (Case No. 2014CF000327) or the charge is dismissed.

4. Should Respondent attempt to reactivate or reinstate her license:

a. Any such application or request to reactivate or reinstate shall include proof of acquittal or dismissal of the charges in St. Croix County Circuit Court (Case No. 2014CF000327).

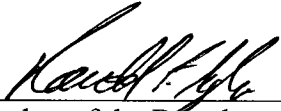
b. The Board may determine whether and under what terms and conditions such license may be reactivated or reinstated.

c. Respondent shall pay COSTS of this matter in the amount of \$1,083 before any such reactivation or reinstatement may be considered.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

10-20-16
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TRACY L. TURNER,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004983

Division of Legal Services and Compliance Case No. 15 REB 001

Respondent Tracy L. Turner 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 Frederic W. Knaak.

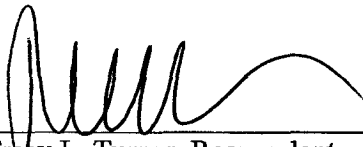
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

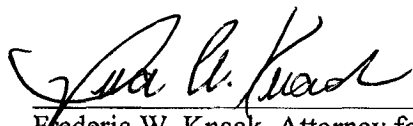
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Tracy L. Turner, Respondent
1678 85th St.
New Richmond, WI 54017
License no. 79555-94

9-1-16

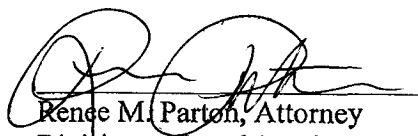
Date



Frederic W. Knaak, Attorney for Respondent
Holstad & Knaak PLC
4501 Allendale Dr.
Saint Paul, MN 55127

9/1/16

Date



Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

9/16/2016

Date