

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 :
 : FINAL DECISION AND ORDER
DONALD E. KNUTSON, :
RESPONDENT. : **0005477**

Division of Legal Services and Compliance Case No. 17 REB 017

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

Donald E. Knutson
W7676 Back and Forth Street
Westfield, Wisconsin 53964

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 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 Donald E. Knutson (DOB 08/14/1939) is licensed by the State of Wisconsin as a real estate broker, having license number 44024-90, first issued on August 21, 1990 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W7676 Back and Forth Street, Westfield, Wisconsin 53964.

2. On August 16, 2012, Respondent was disciplined by the Real Estate Examining Board (Board) for violating Wis. Stat. § 452.133(1)(f), Wis. Admin. Code §§ RL¹ 18.09(1),

¹ Chapter RL is now part of Chapter REEB.

18.10 and 18.13 relating to trust funds and trust accounts. Respondent was suspended for 60 days, his license was limited requiring that he complete 15 hours of education in trust accounting and submit monthly reports for a period of one year that included the trial balances, ledger and journal for his real estate trust account, and was ordered to pay a forfeiture of \$400 and costs of \$385. (Order No. 0001979)

3. On September 25, 2014, the Department sent a letter to Respondent's address of record requesting that he submit the monthly reports required by Order No. 0001979.

4. On January 12, 2017, the Department sent a letter to Respondent's address of record via certified mail, stating that the Department had not received any documentation from him as required by Order No. 0001979, and that he should submit a current trust account report to the Department by January 26, 2017.

5. Respondent signed for the certified letter on January 14, 2017.

6. The Department did not receive a response.

7. On February 17, 2017, Division of Legal Services and Compliance Case No. 17 REB 017 was opened for investigation.

8. On March 14, 2017, the Department sent a letter to Respondent's address of record via certified mail, stating that the Department was conducting an investigation regarding his noncompliance with Order No. 0001979 and requesting the required documents be submitted within 30 days.

9. Carolyn Knutson signed for the certified letter on March 18, 2017.

10. The Department did not receive a response.

11. 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 violated Wis. Admin. Code § REEB 24.17(3) by violating a disciplinary order of the Board.

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 and the Board regarding any request for information within 30 days of the date of the request.

4. As a result of the above violations, Donald E. Knutson is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

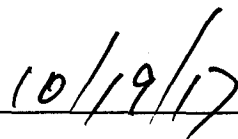
1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of Respondent Donald E. Knutson's real estate broker's license (number 44024-90) is ACCEPTED.
3. This surrender constitutes Respondent's permanent relinquishment of his real estate broker license and his right to practice real estate in the state of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice real estate in the state of Wisconsin.
4. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:



A Member of the Board



Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONALD E. KNUTSON,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0005477

Division of Legal Services and Compliance Case No. 17 REB 017

Respondent Donald E. Knutson 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 Thomas M. Kubasta.

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.




Donald E. Knutson, Respondent
W7676 Back and Forth Street
Westfield, WI 53964
License no. 44024-90

9-21-17
Date



Thomas M. Kubasta, Attorney for Respondent
Kubasta, Bickford & Lorensen, LLP
P.O. Box 808
Wautoma, WI 54982-0808

9-18-17
Date



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

10/5/2017
Date