

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

GERALD D. MORSE AND THE MORSE
COMPANY OF JANESVILLE INC.,
RESPONDENTS.

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:

FINAL DECISION AND ORDER

0005614

Division of Legal Services and Compliance Case No. 16 REB 086

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

Gerald D. Morse
1341 N. Wright Road
Janesville, WI 53546

The Morse Company of Janesville Inc.
1341 N. Wright Road
Janesville, WI 53546

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 Gerald D. Morse (DOB 04/27/1945) is licensed by the State of Wisconsin as a real estate broker, having license number 2645-90, first issued on December 2, 1971 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1341 N. Wright Road, Janesville, Wisconsin 53546.

2. Respondent The Morse Company of Janesville Inc. is licensed by the State of Wisconsin as a real estate business entity, having license number 834744-91, first issued on June 30, 1995 and current through December 14, 2018. Respondent's most recent address on file with the Department is 1341 N. Wright Road, Janesville, Wisconsin 53546.

3. Respondent Gerald D. Morse is identified in Department records as the president and responsible licensee for Respondent The Morse Company of Janesville Inc.

4. On September 24, 2016, Respondents entered into a listing agreement for a property located at 2036 Turtle Town Hall Road, Beloit, Wisconsin. The term of the contract was from September 25, 2016 through December 25, 2016.

5. According to tax records for Rock County, the actual address for 2036 Turtle Town Hall Road is 2036 Town Hall Road.

6. On September 27, 2016, a new listing for 2036 Townhall [sic] Road was added to the Multiple Listing Service by J.C., a salesperson for Respondents. The listing included the following statement: "3 bedroom ranch home on 1 acre lot... extra ½ acre lot with 4 car garage may purchase."

7. The same day, an offer to purchase both the subject property and the extra ½ acre lot was received.

8. Respondents did not have a listing agreement for the extra ½ acre lot, located at 2056 Town Hall Road, Beloit, Wisconsin.

9. On September 29, 2016, the seller rejected the offer.

10. On October 3, 2016, the seller of the subject property emailed Respondent Morse, wishing to terminate his listing agreement. The email stated, "I demand you remove yourself/company from the contractual relationship involving 2036 Town Hall Road."

11. On October 6, 2016, the seller of the subject property filed a complaint with the Department regarding this transaction. Division of Legal Services and Compliance Case No. 16 REB 086 was subsequently opened for investigation.

12. On October 18, 2016, Respondents answered the complaint. Respondents indicated they did not understand the October 3rd email from the seller to be a request to terminate the listing contract for 2036 Town Hall Road. Respondents subsequently sent the seller a WB-42 Amendment to the Listing Contract changing the contract date to end on October 18, 2016 for 2056 Townhall Road [sic].

13. Respondents sent this amendment via email to the seller. The seller responded to the email requesting Respondents add a Hold Harmless statement to the amendment.

14. Respondents never responded to the seller's request.

15. 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, Respondents 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, Respondents violated Wis. Admin. Code § REEB 24.04(1) by advertising in a manner which is false, deceptive, or misleading.

4. As a result of the above violations, Gerald D. Morse and The Morse Company of Janesville Inc. are subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Gerald D. Morse is REPRIMANDED.

3. Respondent The Morse Company of Janesville Inc. is REPRIMANDED.

4. Within ninety (90) days from the date of this Order, Respondent Morse shall pay one-third of the COSTS of this matter in the amount of \$387.

5. Within ninety (90) days from the date of this Order, Respondent The Morse Company of Janesville Inc. shall pay one-third of the COSTS of this matter in the amount of \$387.

6. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

7. In the event Respondents violate any term of this Order, Respondents' licenses (nos. 2645-90 and 834744-91), or Respondents' right to renew his/its license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in the

alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Robert Welster EK
A Member of the Board

2-2-2018
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GERALD D. MORSE AND THE MORSE
COMPANY OF JANESVILLE INC.,
RESPONDENTS.

STIPULATION

0005614

Division of Legal Services and Compliance Case No. 16 REB 086

Respondents Gerald D. Morse and The Morse Company of Janesville 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.



Gerald D. Morse, Respondent
1341 N. Wright Road
Janesville, WI 53546
License no. 2645-90

1-21-2018
Date



The Morse Company of Janesville Inc., Respondent
By: Gerald D. Morse
1341 N. Wright Road
Janesville, WI 53546
License no. 834744-91

1-21-2018
Date



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

1/22/2018
Date