

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

JULIE J. QUADE AND
QUADE REAL ESTATE LLC,
RESPONDENTS.

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FINAL DECISION AND ORDER

0005712

Division of Legal Services and Compliance Case No. 16 REB 066

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

Julie J. Quade
214 W. State St.
P.O. Box 85
Fox Lake, WI 53933

Quade Real Estate LLC
214 W. State St.
P.O. Box 85
Fox Lake, WI 53933

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 Julie J. Quade (DOB February 17, 1956) is licensed by the State of Wisconsin as a real estate broker, having license number 38387-90, first issued on August 21, 1986 and current through December 14, 2018. Respondent Quade's most recent address on file

with the Wisconsin Department of Safety and Professional Services (Department) is 214 West State Street, Post Office Box 85, Fox Lake, Wisconsin 53933.

2. Respondent Quade Real Estate LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 701204-91, first issued on July 18, 2005 and current through December 14, 2018. Respondent Quade Real Estate LLC's most recent address on file with the Department is 214 West State Street, Post Office Box 85, Fox Lake, Wisconsin 53933.

3. Respondent Quade is identified in Department records as the owner of Respondent Quade Real Estate LLC.

4. On April 3, 2012, D.K. entered into a WB-4 Residential Condominium Listing Contract-Exclusive Right to Sell with Respondents to sell D.K.'s condominium located in Fox Lake, Wisconsin. The initial term of the contract was from April 4, 2012 to April 4, 2013.

5. On an unknown date, the contract term was extended by WB-42 Amendment from April 4, 2013 to October 4, 2013 (the document was not dated by Respondent Quade).

6. On November 30, 2013, the contract term was extended by WB-42 Amendment from October 4, 2013 to October 4, 2014.

7. On September 19, 2014, buyers S.P. and K.P. signed a WB-14 Residential Condominium Offer to Purchase D.K.'s Fox Lake condominium which was drafted by Respondent Quade as the Agent of Seller/Listing Broker. The Offer to Purchase included \$5,000 in earnest money.

8. On September 19, 2014, S.P. and K.P. also signed a Broker Disclosure to Customers in which Respondent Quade indicated she was working as the Owner's/Listing Broker's Agent.

9. On October 22, 2014, Respondent Quade drafted a WB-40 Amendment to Offer to Purchase for S.P. and K.P. The Amendment indicates it applies to the Offer to Purchase dated September 19, 2014 and accepted on October 1, 2014, and changes the closing date from December 31, 2014 to November 26, 2014. The Amendment also indicates that it is binding only if a copy of the accepted Amendment is delivered on or before October 31, 2014.

10. On November 5, 2014, Respondent Quade presented the Amendment to D.K. and D.K. signed it.

11. On January 1, 2015, S.P. and K.P.'s attorney drafted a WB-41 Notice Relating to Offer to Purchase. The Notice indicates it relates to the Offer to Purchase dated September 19, 2014 and accepted on October 1, 2014, and withdraws S.P. and K.P.'s offer to purchase for various reasons including breach of contract and failure to close. The Notice was emailed to Respondent Quade on January 2, 2015 along with a WB-45 Cancellation Agreement and Mutual Release. S.P. and K.P.'s attorney requested the immediate return of S.P. and K.P.'s earnest money.

12. On January 5, 2015, S.P. delivered the WB-41 Notice Relating to Offer to Purchase and WB-45 Cancellation Agreement and Mutual Release to Respondents' office. S.P. requested the return of the earnest money. Respondent Quade turned over the earnest money to S.P. at that time.

13. On January 5, 2015, Respondent Quade signed and dated the WB-41 Notice Relating to Offer to Purchase and sent the Notice and WB-45 Cancellation Agreement and Mutual Release to D.K. by registered mail.

14. On January 6, 2015, Respondents noted in their trust account ledger that the earnest money was disbursed to S.P. and K.P.

15. In March 2015, Respondent Quade received the WB-45 Cancellation Agreement and Mutual Release signed by D.K. D.K. did not date the Agreement, but the envelope in which it was mailed was postmarked March 6, 2015.

16. On March 10, 2015, S.P. and K.P. received the fully executed WB-45 Cancellation Agreement and Mutual Release.

17. 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, Respondent Julie J. Quade 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, Respondent Julie J. Quade violated Wis. Admin. Code § REEB 16.06(8) by failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms and prepares the addenda.

4. By the conduct described in the Findings of Fact, Respondent Julie J. Quade violated Wis. Admin. Code § REEB 18.09 by improperly disbursing trust funds.

5. By the conduct described in the Findings of Fact, Respondent Quade Real Estate LLC violated Wis. Admin. Code § REEB 24.17(3) by aiding or abetting the above violations.

6. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(i) and (L) and (4m)(b).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Julie J. Quade is REPRIMANDED.
3. Respondent Quade Real Estate LLC is REPRIMANDED.
4. The real estate broker license (number 38387-90) issued to Julie J. Quade is LIMITED as follows:
 - a. Within 90 days from the date of this Order, Respondent Quade shall successfully complete three hours of education on the topic of contracts, three hours of education on the topic of approved forms, and three 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(s) offered for the course(s).
 - b. Respondent Quade 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.
5. Within 90 days from the date of this Order, Respondent Quade shall pay one-third of the COSTS of this matter in the amount of \$635.
6. Within 90 days from the date of this Order, Respondent Quade Real Estate LLC shall pay one-third of the COSTS of this matter in the amount of \$635.
7. Requests for course pre-approval, proof of successful course completion, and payment of 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 violate any term of this Order, Respondents' licenses (numbers 38387-90 and 701204-91), 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 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

Date 4/19/10

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JULIE J. QUADE AND
QUADE REAL ESTATE LLC,
RESPONDENTS.

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STIPULATION

0005712

Division of Legal Services and Compliance Case No. 16 REB 066

Respondents Julie J. Quade and Quade Real Estate LLC 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. Respondents are represented by Attorney Charles D. Koehler.
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.

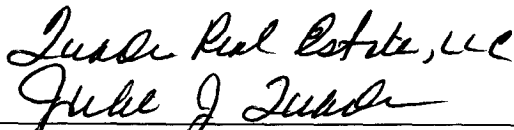
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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.

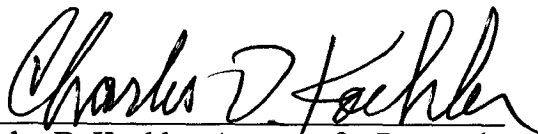
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Julie J. Quade, Respondent
214 W. State St.
P.O. Box 85
Fox Lake, WI 53933
License no. 38387-90

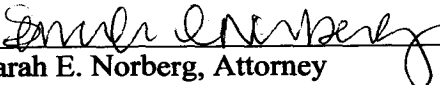
03-19-18
Date


Quade Real Estate LLC, Respondent
By: Julie J. Quade
214 W. State St.
P.O. Box 85
Fox Lake, WI 53933
License no. 701204-91

03-19-18
Date


Charles D. Koehler, Attorney for Respondents
Herrling Clark Law Firm Ltd.
800 N. Lynndale Dr.
Appleton, WI 54914

3-19-18
Date



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

3/27/18

Date