

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SEAN C. LENTZ,  
RESPONDENT.

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: FINAL DECISION AND ORDER  
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**000577?**

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Division of Legal Services and Compliance Case No. 17 REB 013

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

Sean C. Lentz  
944 Bark Lake Lane  
Hubertus, WI 53033

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 Sean C. Lentz (DOB 12/02/1984) is licensed by the State of Wisconsin as a real estate broker, having license number 55409-90, first issued on December 10, 2008, and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 944 Bark Lake Lane, Hubertus, Wisconsin 53033.

2. On August 16, 2012, the Board, in Order No. 0001974, suspended Respondent for 30 days for violating Wis. Stat. §§ 452.133(1)(b) and (f), 452.13(2)(a), 452.14(3)(b) and 452.12(5)(b) and Wis. Admin. Code §§ REEB 18.031(1), (3)(a) and (4), and 24.03(2)(a) and (c).

Respondent's license was also limited to complete education and pay costs and a forfeiture of \$1,000.

3. On April 22, 2014, the Board suspended Respondent's license for failing to pay the forfeiture and costs and failing to complete the ordered education.

4. On June 24, 2014, the Board terminated Respondent's suspension after he complied with Order No. 0001974.

5. On August 13, 2015, the Board, in Order No. 0004183, suspended Respondent for a minimum of 30 days for violating Wis. Stat. §§ 452.133(1)(b), (2)(b), 452.03, and Wis. Admin. Code §§ REEB 24.17(3), 24.07(1)(b), and 24.13(2)(b). Part of this disciplinary matter was regarding Respondent violating a previous board order and engaging in the practice of real estate while his license was suspended. Additional limitations were put on Respondent's license, and Respondent was ordered to pay a \$1,000 forfeiture and costs.

6. On January 25, 2017, the Department received a complaint from the Greater Milwaukee Association of Realtors (GMAR). The complaint included a copy of the Ethics Hearing Decision (Decision) filed November 30, 2016. The Division of Legal Services and Compliance subsequently opened Case No. 17 REB 013.

7. The Decision was regarding a transaction from September 2014, prior to the execution of Order No. 0004183. GMAR made the following findings:

a. Respondent failed to protect the interest of his client because he represented himself as a buyer's agent, when he did not have a buyer agency contract. (Article 1 Violation)

b. Respondent was actually the listing broker but also interjected himself as co-broke agent with the same buyers that he also claimed to be representing as a buyer's agent. (Article 1 Violation)

c. According to the listing contract, the following language was entered by the seller (complainant) under additional provisions: *"if we sell direct there is no sales commission."* This provision was agreed to by Respondent (listing broker). The listing agreement fee was \$1,000. However, Respondent attempted to collect an additional 2.4% commission from the seller for also acting as co-broke agent. Respondent acknowledged that he was not the procuring agent. These actions were inconsistent with his role as the listing broker. In addition, this agreement was not reduced to clear and understandable language and was not discussed with the complainant. (Violations of Articles 1 and 9)

d. Two different versions of the listing contract were introduced into evidence. Complainant's copy (seller) was signed on August 19, 2014. Respondent's copy was signed on September 4, 2014. Complainant never received the broker's signed copy. (Violation of Article 9)

e. Respondent threatened to "push back the closing" if the commission issue was not resolved. These actions put his own interest before that of his client. (Violation of Article 1)

f. Respondent drafted a contract as a buyer's agent (even though it was without a buyer's agency agreement). However, the WB-1, page 3 Line 130 stated that the seller did not agree to designated agency. (Violation of Article 1)

8. GMAR ordered Respondent to attend a contract and agency law class and pay a \$500 fine. Respondent completed his course and paid his fine timely.

9. 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. Stat. § 452.133(1)(a) by failing to provide brokerage services honestly and fairly.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(2)(a)1. by failing to loyally represent the client's interests by placing the client's interests ahead of the interests of the firm.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.134(1)(b) by negotiating on behalf of a party to a transaction when that party was neither 1. The firm's client. or 2. A client of a principal firm who has engaged the firm as a subagent.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 15.02(1) by failing to promptly provide an exact and complete copy of any document utilized, prepared, or received by the licensee in real estate practice to any person who has signed the document.

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices.

7. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.08 by failing to put in writing all listing contracts, guaranteed sales agreements, buyer agency agreements, offers to purchase, property management agreements, option contracts, financial obligations and any other commitments regarding transactions, expressing the exact agreement of the parties unless the writing is completed by the parties or their attorneys or the writing is outside the scope of the licensee's authority under ch. REEB 16.

8. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(3) by violating any provisions or terms or conditions of, or aid or abet the violation of Wis. Stat. ch. 452 , Wis. Admin. Code chs. REEB 11-25 or any disciplinary order of the board.

9. As a result of the above violations, Sean C. Lentz is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Sean C. Lentz is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$1,178.
4. Payment of costs and forfeiture shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

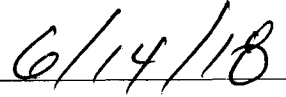
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

5. In the event Respondent violates any term of this Order, Respondent's license (no. 55409-90), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has 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.

6. 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

SEAN C. LENTZ,  
RESPONDENT.

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STIPULATION

0005777

Division of Legal Services and Compliance Case No. 17 REB 013

Respondent Sean C. Lentz and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

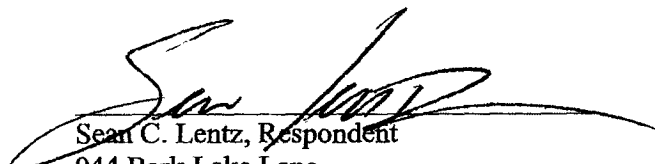
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.
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.

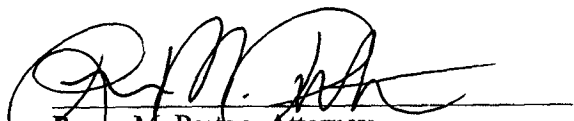
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
Sean C. Lentz, Respondent  
944 Bark Lake Lane  
Hubertus, WI 53033  
License no. 55409-90

4/19/2018  
Date

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

4/19/2018  
Date