

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

GARY N. MEYSMAN,
RESPONDENT.

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FINAL DECISION AND ORDER

0005779

Division of Legal Services and Compliance Case No. 16 REB 007

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

Gary N. Meysman
902 Belknap St., Ste. C
Superior, WI 54880

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 Gary N. Meysman (DOB 11/7/1953) is licensed by the State of Wisconsin as a real estate broker, having license number 55153-90, first issued on May 20, 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 902 Belknap Street, Suite C, Superior, Wisconsin 54880.

2. A Department Auditor discovered numerous violations on audits conducted on May 23, 2013 and January 20, 2016 of Respondent's real estate business. Division of Legal Services and Compliance subsequently opened Case No. 16 REB 007 for investigation.

3. The audit revealed that Respondent was the broker for an unlicensed real estate business entity (hereinafter firm). During the course of the Department's investigation, Respondent properly licensed his firm.

4. The audit revealed the trust accounts associated with Respondent's practice were not registered with the Department. Respondent did not notify the Department of any account changes. Further, Respondent did not furnish the Department with a letter authorizing an audit of his trust accounts. During the course of the Department's investigation, Respondent registered his trust account, closed other trust accounts, and authorized the Department to audit his active trust account. Respondent has insufficient knowledge to contest the findings.

5. The 2013 audit revealed Respondent's bookkeeping was out of compliance. Respondent was notified of deficiencies. The 2016 audit revealed Respondent had corrected most of his bookkeeping issues. However, a monthly trial balance was still not being prepared properly. Respondent has insufficient knowledge to contest the findings.

6. 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. § 452.12(2)¹ by operating a real estate business entity without a license.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.13(2)(b) and Wis. Admin. Code § REEB 18.035 by failing to register no later than 10 days after opening a real estate trust account with the Department, failing to notify the Department of any changes to the real estate trust account, and failure to furnish the Department a letter authorizing the Department to audit the trust account.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 18.13(4) by failing to prepare or have prepared a written listing of all open items in the real estate trust account (a trial balance).

5. As a result of the above violations, Respondent Gary N. Meysman is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (4m)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Gary N. Meysman is REPRIMANDED.

¹ Statute references are from relevant time period in complaint unless otherwise noted.

3. Respondent Gary N. Meysman's real estate broker license (number 55153-90) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete six hours of education on the topic of real estate 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 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.

4. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500.00 and one-half of the COSTS of this matter in the amount of \$686.00.

5. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services), requests for pre-approval and proof of successful course completion 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

6. In the event Respondent violates any term of this Order, Respondent's license (number 55153-90), 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

Date

6/14/18

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GARY N. MEYSMAN,
RESPONDENT.

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:

STIPULATION

0005779

Division of Legal Services and Compliance Case No. 16 REB 007

Respondent Gary N. Meysman 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 David A. Kropid.

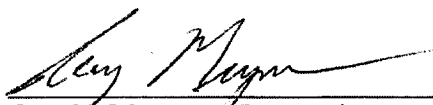
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

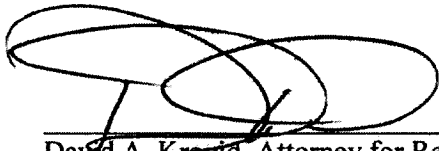
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



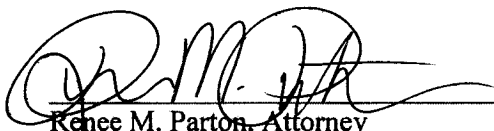
Gary N. Meysman, Respondent
902 Belknap St., Ste. C
Superior, WI 54880
License no. 55153-90

5-31-18
Date



David A. Kropid, Attorney for Respondent
Marcovich Cochrane Milliken Swanson & Kropid LLP
1214 Belknap St.
Superior, WI 54880

4 June 2018
Date



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

6/4/2018
Date