

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

LYNNE A. NELSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER

:
: **ORDER 0006375**

Division of Legal Services and Compliance Case No. 17 REB 045

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

Lynne A. Nelson
23088 Buffalo Ridge Road
Winona, MN 55987

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 Lynne A. Nelson (DOB 4/1/1964) is licensed by the State of Wisconsin as a real estate salesperson, having license number 40089-94, first issued on September 7, 1993 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 23088 Buffalo Ridge Road, Winona, Minnesota 55987.

2. On May 4, 2017, the Department received a newspaper article regarding Respondent forging a client's signature. Division of Legal Services and Compliance (Division) Case Number 17 REB 045 was subsequently opened for investigation.

3. On December 1, 2016, Respondent was formally charged with three counts of forgery for signing her client's signature on a "Broker Disclosure to Customer" form.

4. On May 15, 2017, the State of Minnesota Department of Commerce disciplined Respondent for forging her client's signature on a "Broker Disclosure to Customer" form, and failing to notify the Minnesota Commissioner of felony criminal charges that were filed against her subsequent to obtaining a license. Respondent's Minnesota real estate salesperson's license was revoked, she was ordered to pay investigative costs of \$1,500.00, and she was ordered to pay a civil forfeiture of \$20,000.00, which was stayed. The Order stated that if Respondent did not violate the Order or any sentencing terms or conditions imposed on Respondent by the Minnesota Houston County District Court, the stay would become permanent.

5. On June 23, 2017, Respondent entered into a plea agreement at Minnesota's Houston County District Court. Respondent plead guilty to one count of Forgery-Destroy/Mutilate -Record/Document-No Authority and received a stay of adjudication. The other two forgery counts were dismissed. Respondent was placed on 2 years of supervised probation and fined \$1,102.67.

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).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Lynne A. Nelson's real estate salesperson license (number 40089-94) is ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of her real estate salesperson license and her 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: Tom Rivie
A Member of the Board

8-22-19
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LYNNE A. NELSON,
RESPONDENT.

STIPULATION

ORDER 0006375

Division of Legal Services and Compliance Case No. 17 REB 045

Respondent Lynne A. Nelson 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.


Lynne A. Nelson, Respondent
23088 Buffalo Ridge Road
Winona, MN 55987
License no. 40089-94

7-5-2019
Date


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

7/10/2019
Date