

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ARNOLD H. LANGE AND  
LANGE AUCTION & REALTY LLC,  
RESPONDENTS.

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: FINAL DECISION AND ORDER  
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**ORDER 0006377**

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Division of Legal Services and Compliance Case No. 17 REB 086

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

Arnold H. Lange  
8937 County Highway FF  
Merrill, WI 54452

Lange Auction & Realty LLC  
8937 County Highway FF  
Merrill, WI 54452

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 Arnold H. Lange (DOB October 18, 1935) is licensed by the State of Wisconsin as a real estate broker, having license number 48326-90, first issued on February 14, 1996 and current through December 14, 2020. Respondent Lange's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8937 County Highway FF, Merrill, Wisconsin 54452.

2. Respondent Lange Auction & Realty LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 700032-91, first issued on October 28, 1996 and current through December 14, 2020. Respondent Lange Auction & Realty LLC's most recent address on file is 8937 County Highway FF, Merrill, Wisconsin 54452.

3. On September 11, 2017, the Department received a complaint alleging that Respondent Lange failed to file a real estate condition report (RECR) when he sold Complainant's residence at auction, which voided the sale. Division of Legal Services and Compliance (Division) Case Number 17 REB 086 was subsequently opened for investigation.

4. On April 30, 2017, Respondent Lange and Complainant signed a WB-1 Listing Contract for Complainant's residence that was prepared by Respondent Lange and Respondent Lange Auction & Realty LLC (Respondents). Line 244 of the WB-1 indicated Complainant's residence was to be sold at auction in "as is condition." The WB-1 form was not the latest version approved by the Board, and the completed form omitted Complainant's address from line 265.

5. Respondents did not have Complainant complete a RECR for Complainant's residence.

6. On May 16, 2017, Respondent Lange and Complainant signed a WB-42 Amendment to Listing Contract for Complainant's residence that was prepared by Respondents. The WB-42 form was not the latest version approved by the Board.

7. On June 10, 2017, two individuals (Buyers) submitted a WB-11 Offer to Purchase Complainant's residence that was prepared by Respondents. The WB-11 form was inadequate in the following ways:

- a. Line 2 did not indicate that Respondents were "Agent of Seller / Listing Broker."
- b. Lines 10-11 of the WB-11 indicated that an unspecified amount of money would be provided "within closing (sic) days of acceptance."
- c. There were no inclusions or exclusions identified at lines 14-18.
- d. Lines 38-54 listed several methods of document delivery, but the boxes on lines 40, 42, 45, and 49 were not marked.
- e. On the copy of the WB-11 provided by Respondents, Lines 66-110 and Lines 148-158, which respectively pertained to property defects and the RECR, were struck out.
- f. Lines 124-135 failed to indicate how taxes would be prorated.
- g. Lines 159-164 regarding property conditions were not completed.
- h. No contingencies were indicated.

8. After the June 10, 2017 Offer to Purchase was accepted by Complainant, Respondent Lange provided Buyers with a key to Complainant's residence so they could inspect the well and septic although he was not authorized to do so.

9. 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, Arnold H. Lange violated Wis. Admin. Code § REEB 16.06(7) by failing to use the latest approved version of a board-approved form.

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

5. By the conduct described in the Findings of Fact, Arnold H. Lange violated Wis. Admin. Code § REEB 24.03(2)(c) by failing to be knowledgeable regarding laws, public policies and current market conditions on real estate matters and assist, guide and advise the buying or selling public based upon these factors.

6. By the conduct described in the Findings of Fact, Lange Auction & Realty LLC violated Wis. Admin. Code § REEB 24.17(3) by aiding and abetting the aforementioned violations of Respondent Lange.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Arnold H. Lange is REPRIMANDED.

3. Respondent Lange Auction & Realty LLC is REPRIMANDED.

4. The real estate broker license (number 48326-90) issued to Arnold H. Lange is LIMITED as follows:

a. Within 90 days from the date of this Order, Respondent Lange shall successfully complete nine hours of remedial education on the topics of approved forms, business ethics, and consumer protection 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 Lange 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 Lange shall pay one-half of the COSTS of this matter in the amount of \$684.00.

6. Within 90 days from the date of this Order, Respondent Lange Auction & Realty LLC shall pay one-half of the COSTS of this matter in the amount of \$684.00.

7. Requests for 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

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>.

8. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 48326-90 and 700032-91), 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: Tom Rutledge  
A Member of the Board

8-22-19  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

RECEIVED

JUL 26 2019

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ARNOLD H. LANGE AND  
LANGE AUCTION & REALTY LLC,  
RESPONDENTS.

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DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES  
DIVISION OF LEGAL SERVICES AND COMPLIANCE  
STIPULATION

**ORDER 0006377**

Division of Legal Services and Compliance Case No. 17 REB 086

Respondents Arnold H. Lange and Lange Auction & Realty 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.

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.

Arnold H. Lange  
Arnold H. Lange, Respondent  
8937 County Highway FF  
Merrill, WI 54452  
License no. 48326-90

7-16-2019  
Date

Lange Auction & Realty LLC  
Lange Auction & Realty LLC, Respondent  
By: Arnold H. Lange Arnold H. Lange  
8937 County Highway FF  
Merrill, WI 54452  
License no. 700032-91

7-16-2019  
Date

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

7-29-19  
Date