

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 :
 :
WILLIAM J. KRATZKE, : FINAL DECISION AND ORDER
RESPONDENT. :
 : **ORDER 0006854**

Division of Legal Services and Compliance Case No. 17 REB 115

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

William J. Kratzke
Shorewood, WI 53211

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 William J. Kratzke (DOB XX/XX/1959) is licensed by the State of Wisconsin as a real estate broker, having license number 38336-90, first issued on August 20, 1986 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Shorewood, WI 53211.

2. On April 22, 1999, Respondent was reprimanded and ordered to complete 11 hours of education (Final Decision and Order # LS9904223REB) in Case Number 96 REB 082 for violating Wis. Admin. Code § RL 24.03(2).

3. On December 4, 2017, the Department received a complaint alleging that Respondent did not return to Complainant earnest money that was owed to Complainant. The

Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 17 REB 115 for investigation.

4. On January 19, 2018, the Department sent a letter to Respondent at his address of record requesting a response to the complaint. The Department did not receive a response.

5. On March 19, 2018, the Department sent a certified letter to Respondent at his address of record asking for his response to the complaint. Respondent signed for the certified letter and the return receipt was received by the Department on March 27, 2018, but the Department did not receive a response.

6. On June 19, 2018, the Department emailed Respondent at his email address of record requesting a copy of the entire transaction file for the subject transaction. The Department did not receive a response.

7. On February 19, 2019, the Department emailed Respondent at his email address of record requesting a copy of the entire transaction file for the subject transaction. Respondent did not provide the requested records.

8. On February 28, 2019, the Department spoke to Respondent by phone and requested a copy of the entire transaction file for the subject transaction. Respondent did not provide the requested records.

9. On April 10, 2019, Respondent indicated that he would not be able to provide a copy of the transaction file for the subject transaction. Respondent contends that the transaction file was stolen during a break-in of the warehouse where the file was stored.

10. 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. Admin. Code § REEB 15.04(1) by failing to retain for at least 2 years, exact and complete copies of records in connection with a transaction.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(5) by failing to respond to the department and the board regarding a request for information within 30 days of the date of the request.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent William J. Kratzke is REPRIMANDED.
3. Respondent William J. Kratzke's real estate broker license (no. 38336-90) is LIMITED as follows:
 - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete three hours of remedial education on the topic of office management including retention of records from 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.
 - c. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.
4. Within ninety (90) days from the date of this Order, Respondent William J. Kratzke shall pay a FORFEITURE of \$ 1,000 and the COSTS of this matter in the amount of \$1,333.
5. Requests for pre-approval, proof of successful course completion, payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 38336-90), 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: Thomas Ritchie/
A Member of the Board

6/18/2020
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WILLIAM J. KRATZKE,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006854

Division of Legal Services and Compliance Case No. 17 REB 115

Respondent William J. Kratzke 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.

WJK

William J. Kratzke, Respondent
Shorewood, WI 53211
Credential No. 38336-90

6-1-20

Date

Renee M. Parton

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

06/03/2020

Date