

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENNETH L. BIEGEL,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 000731.6

Division of Legal Services and Compliance Case No. 18 REB 146

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

Kenneth L. Biegel
Eagle River, WI 54521

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 Kenneth L. Biegel (Birth Year 1943) is licensed by the State of Wisconsin as a real estate salesperson, having license number 64230-94, first issued on June 13, 2005 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Eagle River, Wisconsin 54521.
2. On December 27, 2018, the Department received a complaint alleging that Respondent had acted improperly during a real estate transaction. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 REB 146 for investigation.
3. On December 1, 2017, Respondent drafted a WB-1 Residential Listing Contract – Exclusive Right to Sell between Respondent and the property seller. Line 20 of the form states that the marketing of the property may include “NO SIGN.”

4. On November 27, 2018, the agent of a potential buyer (VW) drafted an Offer to Purchase (OTP) the seller's property. The OTP states it could be personally delivered to Respondent, faxed to Respondent, or emailed to Respondent. Lines 459 to 461 of the OTP state that the offer was presented to the seller by Respondent and that the offer is countered. However, the OTP does not state when it was presented to the seller, and the seller did not initial the OTP at all. Respondent asserts that seller declined to sign OTP.

5. The transaction file contains a WB-44 Counter-Offer to VW's OTP. Lines 36 to 38 of the Counter-Offer state that it was drafted by Respondent on November 29, 2018. The seller did not sign the Counter-Offer.

6. On April 10, 2019, Respondent stated that he told VW to contact the seller directly to negotiate VW's OTP.

7. On April 10, 2019, Respondent stated that Respondent received a verbal OTP from a potential buyer in March 2018. Respondent stated he wrote an OTP for the potential buyer, but he did not have the potential buyer sign the written OTP, and he did not present the written OTP to the seller, as the seller declined to review written offers. Instead, Respondent presented the verbal OTP to the seller and encouraged the seller to respond to the verbal OTP.

8. On April 10, 2019, Respondent acknowledged that the seller requested that no signs be used in the listing of the seller's property but stated that during the last month of the listing contract he put up an 'arrow sign' on Highway 70 and Perry Road pointing towards the seller's property.

9. Respondent neither admits or denies the foregoing Findings of Fact, but to resolve this matter without further litigation, 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 24.08 by failing to put an offer to purchase in writing.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care pursuant to Wis. Stat. § 452.133(4m)(a).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kenneth L. Biegel is REPRIMANDED.
3. Respondent Kenneth L. Biegel's real estate salesperson license (no. 64230-94) is LIMITED as follows:
 - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete three (3) credits of remedial education on the topic of business ethics, and three (3) credits of remedial education on the topic of approved forms 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 Kenneth L. Biegel shall pay the COSTS of this matter in the amount of \$748.00.
5. 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 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 64230-94), 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 J. Rabie
A Member of the Board

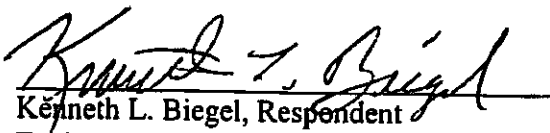
15 April 2021
Date

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.

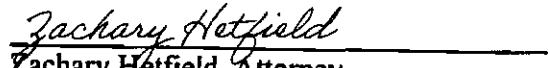
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Kenneth L. Biegel, Respondent
Eagle River, WI 54521
Credential No. 64230-94

3/29/21
Date


Zachary Hetfield, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

03/29/21
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KENNETH L. BIEGEL,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

Division of Legal Services and Compliance Case No. 18 REB 146

Respondent Kenneth L. Biegel 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