

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
HELEN J. BENDER and BENDER RENTALS :  
& PROPERTY MGMT LLC, :  
RESPONDENTS. : **ORDER 0007486**

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Division of Legal Services and Compliance Case No. 18 REB 033

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

Helen J. Bender  
Milwaukee, WI 53218

Bender Rentals & Property Mgmt LLC  
Milwaukee, WI 53218

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 Helen J. Bender (Birth Year 1957) is licensed by the State of Wisconsin as a Real Estate Broker, having license number 56354-90, first issued on April 25, 2011 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 Milwaukee, Wisconsin.

2. Respondent Bender Rentals & Property Mgmt LLC was licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 937021-91, first issued on December 6, 2011 and expired on December 15, 2018. Helen J. Bender is identified in Department records as the responsible licensee of Bender Rentals & Property Mgmt LLC.

3. On March 23, 2018, the Department received a complaint against Respondents from D.T., who owns two properties that Bender Rentals & Property Mgmt LLC (BRPM) manages. D.T. alleged that BRPM had made billing errors, failed to transfer security deposit funds to his trust account, and refused to comply with an audit, amongst other allegations. The Division of Legal Services and Compliance (DLSC) opened case number 18 REB 033 for investigation.

4. The Department sought a response from Respondent Bender (Bender) to D.T.'s complaints. As part of her response, Bender provided emails and bank statements regarding her interactions with D.T. The documentation Bender provided showed that the security deposits that D.T. had requested were sent to D.T. on March 19, 2018 and that D.T. deposited the checks on March 27, 2018.

5. The bank account from which Bender wrote the checks for the security deposits did not appear to be a trust account. Additionally, the account had several debit entries for restaurants, retail establishments, gas stations, etc. that were posted between March 1, 2018 and March 12, 2018.

6. On May 24, 2018, the Department requested BRPM establish a trust account by June 24, 2018 and provide month-end reports for the subsequent two months. The Department provided a copy of Form 2358, "Requirements for Real Estate Trust Account Bookkeeping System," to Bender to educate her on what information she needed to provide the Department.

7. On June 18, 2018, Department auditor Joe Vosen spoke to Bender and explained that BRPM needed to maintain one or more trust accounts for both tenant rent payments and security deposit funds. Bender indicated she had previously attempted to set up a trust account, but her bank was confused by the type of account she wanted to establish.

8. On July 6, 2018, Bender faxed a form to the Department that indicated she had opened a new bank account with a \$100 deposit, but the account name did not indicate that it was a trust account as required.

9. On August 1, 2018, Vosen emailed Bender and requested she provide documentation proving trust account compliance, including a cash journal/checkbook register, a list of all client accounts BRPM managed, the trial balance for each client account as of June 30, 2018, trust account statements for May, June, and July 2018, and reconciliation detail reports for May through July 2018.

10. On August 13, 2018, in correspondence to the Department, Bender wrote that she had previously kept records via spreadsheets and was unable to provide bank statements. Bender stated security deposits were returned in checks written to tenants, a monthly statement to the property owner, or a check written to the owner. Bender provided account spreadsheets, copies

of canceled checks, and copies of monthly statements to owners. The account spreadsheets omitted February 2018.

11. Between September 10, 2018, and November 15, 2018, Bender emailed the Department her client account summary spreadsheets and bank statements for August, September, and October 2018. The bank statements indicated Bender established a “Basic Business Checking” account, entitled “Bender Rentals & Propty Mgmt LLC Escrow Trust Account.”

12. The statement indicated two deposits were made on August 7, 2018, in the amounts of \$100.00 and \$27,682.00. An amount of \$204.70 was debited from the account on August 23, 2018 for “Harland Clarke Chk Orders.” Harland Clarke is a company that prints checks. The August 2018 account balance was off by \$204.70.

13. The September 2018 account balance was off by \$209.70.

14. The October 2018 account spreadsheet indicated there should have been \$25,567 in the account, but the bank statement indicated there was \$25,877.30 in the account.

15. The documents note that \$525 was disbursed to property owner M.U. Bender noted that this disbursement occurred in August 2018 via a statement, not a check. Bender stated she erroneously paid this out from the “operating account,” not the trust account.

16. Bender never provided BRPM’s cash journal/checkbook register or bank statements for May, June, and July 2018.

17. According to Vosen, Bender stated that BRPM held collected rents for owners, but these funds were not deposited into a trust account.

18. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent Bender Rentals & Property Mgmt LLC retains the right to renew its real estate business entity license until December 14, 2023.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 18.031 by failing to deposit rent payments in a real estate trust account.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 18.10(1)(a) by comingling personal funds or other funds in the real estate trust account.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 18.13(1) by failing to maintain a record, called a journal showing the chronological sequence in which real estate trust funds were received and disbursed according to subs. (a)-(d).

6. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 18.13(2) by failing to maintain a record including the receipts and the disbursements as they affect each particular transaction, including transactions between buyer and seller, landlord and tenant, etc. The ledger entry shall include the names of all parties to a transaction, the dates and the amounts received and the name of the party or parties providing the money if different from the buyer. Ledger entries shall include at least the date, payee, number of the check, share draft or draft and amount when funds are disbursed. The ledger shall include a running balance and segregate each transaction. The firm shall maintain a separate ledger or separate section of the ledger for each of the various kinds of real estate transactions, including sales, rental collections, or mortgage and land contract collections.

7. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 18.13(3) by failing to reconcile the real estate trust account in writing each month except in the case where there has been no activity during the month. The written reconciliation shall include at least the ending account statement balance, the date and amounts of the deposits in transit, the number of the check, share draft, or draft, and amount of checks, share drafts, or drafts written but not paid by the depository institution as of the ending date shown on the account statement to be reconciled, and the reconciled account statement ending balance.

8. By the conduct described in the Findings of Fact, Respondents 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. The written listing shall be referred to as the "trial balance". The listing shall include at least the names of all parties to the transaction and the amount held in trust for the parties at the time corresponding to the account reconciliation. The firm may in lieu of the names of the parties to the transaction substitute the ledger page number or other means of identification from the ledger to label the funds in the trial balance.

9. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 18.13(5) by failing to review the reconciled account statement balance, open ledger account listing, and the journal running balance to ensure that all of these records are valid and in agreement as of the date the account statement has been reconciled.

10. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 452.133(1)(b) and (f) by failing to provide brokerage services with reasonable skill and care and by failing to safeguard trust funds and other property held as required by rules promulgated under s. 452.13(5).

11. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 452.14(3)(i) by demonstrating incompetency to act as a broker in a manner which safeguards the interests of the public, pursuant to Wis. Admin. Code § REEB 18.14.

12. As a result of the above violations, Respondents Helen J. Bender and Bender Rentals & Property Mgmt LLC are subject to discipline pursuant to Wis. Stat. § 452.14(3)(i), (k), and (L) and Wis. Admin. Code § REEB 24.17(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Helen J. Bender is REPRIMANDED.
3. The real estate broker's license issued to Helen J. Bender (no. 56354-90) is LIMITED as follows:
  - a. Respondent is prohibited from holding client funds in trust.
4. Respondent Bender Rentals & Property Mgmt LLC is REPRIMANDED.
5. Within ninety (90) days from the date of this Order, Respondent Helen J. Bender shall pay COSTS of this matter in the amount of \$1,656.
6. 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:

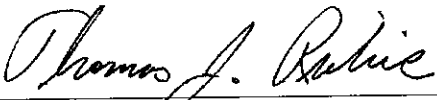
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

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

7. In the event Respondents violate any term of this Order, Respondents' licenses (no. 56354-90), or Respondents' right to renew their licenses (no. 937021-91), 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:   
A Member of the Board

28 July 2021  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

HELEN J. BENDER AND  
BENDER RENTALS & PROPERTY MGMT LLC,  
RESPONDENTS.

STIPULATION

**ORDER 0007486**

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Division of Legal Services and Compliance Case No. 18 REB 033

Respondents Helen J. Bender and Bender Rentals & Property Mgmt 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.

  
\_\_\_\_\_  
Helen J. Bender, Respondent  
Milwaukee, WI 53218  
Credential No. 56354-90

06/01/2021  
Date

  
\_\_\_\_\_  
Bender Rentals & Property Mgmt LLC, Respondent  
By: Helen J. Bender, Responsible Licensee  
Milwaukee, WI 53218  
Credential No. 937021-91

06/01/2021  
Date

  
\_\_\_\_\_  
Megan Reed, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

06/02/2021  
Date