

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 :
 : FINAL DECISION AND ORDER
LINDA L. MCGUIRE AND TOP RATED :
REALTY LLC, :
RESPONDENTS. : **ORDER 0007557**

Division of Legal Services and Compliance Case No. 18 REB 074

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

Linda L. McGuire
Luxemburg, WI 54217

Top Rated Realty, LLC
Luxemburg, WI 54217

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 Linda L. McGuire (Birth Year 1962) is licensed by the State of Wisconsin as a Real Estate Broker, having license number 54343-90, first issued on January 18, 2007 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Luxemburg, Wisconsin 54217.

2. Respondent Top Rated Realty, LLC is licensed by the State of Wisconsin as a Real Estate Business Entity, having license number 936799-91, first issued on September 20, 2010 and current through December 14, 2022. Respondent's most recent address on file with the

Department is in Luxemburg, Wisconsin 54217. Linda L. McGuire is identified in Department records as the responsible licensee of Top Rated Realty, LLC.

3. On July 5, 2018, the Department received a complaint alleging that McGuire and Top Rated Realty, LLC were operating with expired licenses. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 REB 074 for investigation.

4. Department records showed that McGuire's broker's license was expired between December 16, 2014 and January 21, 2015 but that it had not expired after 2015.

5. Department records showed that Top Rated Realty, LLC's license was expired between December 20, 2010 and April 1, 2016¹ and had expired again on December 15, 2016.

6. On September 28, 2018, the Department sent a letter to Respondents to request a response to the complaint.

7. On October 15, 2018, McGuire's attorney replied to the Department's letter and stated that McGuire had registered Top Rated Realty, LLC with the Wisconsin Department of Financial Institutions in February 2016 and thought that this registration met the Department's licensing renewal requirements. McGuire's attorney stated that McGuire now understood the need to renew both her broker's license and her business entity license with the Department.

8. On October 25, 2018, Top Rated Realty, LLC's license was renewed.

9. On June 25, 2019, McGuire's attorney sent the Department a list of 44 properties for which Top Rated Realty, LLC had performed transactions while its license was expired.

10. On December 15, 2020, Top Rated Realty, LLC's license expired again.

11. On January 29, 2021, the Department sent an email to McGuire's attorney regarding the expired license. The Department also requested information regarding the number of transactions Top Rated Realty, LLC had performed while the license was expired. After receiving no response, the Department sent a second email on February 16, 2021. McGuire's attorney replied that the first email had gone to his spam folder, and he had forwarded the Department's February email to McGuire so that the license could be renewed.

12. According to Department records, Top Rated Realty, LLC's license was renewed on February 18, 2021.

13. McGuire informed the Department that Top Rated Realty, LLC only handled one transaction between December 15, 2020 and February 18, 2021.

14. In resolution of this matter, Respondents consent to the entry of the following Conclusions of Law and Order.

¹ Top Rated Realty, LLC was formerly known as Luxemburg Realty, LLC from September 20, 2010 until March 18, 2016.

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 Top Rated Realty, LLC violated Wis. Stat. § 452.12(5)(bm)1. by engaging in activities covered by the license before the license is renewed or a new license is issued.
3. By the conduct described in the Findings of Fact, Respondent Linda L. McGuire violated Wis. Stat. § 452.12(5)(bm)2. by engaging in activities covered by the firm's license on behalf of the firm before the firm's license is renewed or a new license is issued.
4. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Top Rated Realty, LLC is REPRIMANDED.
3. Respondent Linda L. McGuire is REPRIMANDED.
4. Within ninety (90) days from the date of this Order, Respondent Top Rated Realty, LLC shall pay a FORFEITURE in the amount of \$500 and half the COSTS of this matter in the amount of \$732.
5. Within ninety (90) days from the date of this Order, Respondent McGuire shall pay half the COSTS of this matter in the amount of \$732.
6. Payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents 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

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

7. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 936799-91 and 54343-90), 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Rohie
A Member of the Board

19 August 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LINDA L. MCGUIRE AND
TOP RATED REALTY, LLC,
RESPONDENTS.

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:
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:
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:
:

STIPULATION

ORDER 0007557

Division of Legal Services and Compliance Case No. 18 REB 074

Respondents Linda L. McGuire and Top Rated Realty, LLC and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

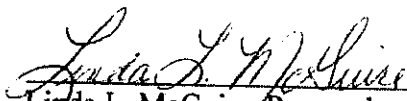
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondents consent to the resolution of this investigation by Stipulation.
2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive 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. Respondents are represented by Attorney Terry Gerbers.
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.

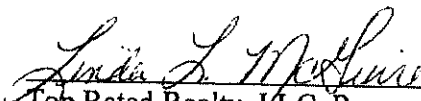
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



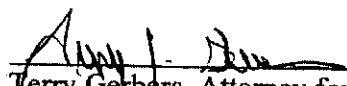
Linda L. McGuire, Respondent
Luxemburg, WI 54217-8205
Credential No. 54343-90

07-21-2021
Date



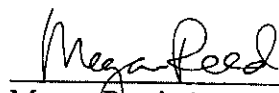
Top Rated Realty, LLC, Respondent
By: Linda L. McGuire, Responsible Licensee
Luxemburg, WI 54217
Credential No. 936799-91

07-21-2021
Date



Terry Getbers, Attorney for Respondents
2391 Holmgren Way Ste A
Green Bay, WI 54304

7/22/2021
Date



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

07/22/2021
Date