

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
LANCE NOWAK AND VICTORY REALTY :
ELITE, : **ORDER 0007745**
RESPONDENTS. :

Division of Legal Services and Compliance Case No. 19 REB 110

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

Lance Nowak
New Berlin, WI 53146

Victory Realty Elite
New Berlin, WI 53146

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 Lance Nowak (Birth Year 1971) is licensed by the State of Wisconsin as a Real Estate Broker, having license number 56668-90, first issued on April 24, 2012 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 New Berlin, Wisconsin 53146.

2. Respondent Victory Realty Elite was licensed by the State of Wisconsin as a Real Estate Business Entity, having license number 937127-91, first issued on June 6, 2012 and expired on December 15, 2020. Lance Nowak is identified in Department records as the responsible licensee of Victory Realty Elite.

3. On October 3, 2019, the Department received a complaint from a seller who stated that Respondent Nowak had approached him about listing his home, even though the seller was under contract with another firm. The Division of Legal Services and Compliance (DLSC) opened case number 19 REB 110 to investigate.

4. On May 28, 2019, Respondent Nowak contacted the seller and offered to list seller's home for a 1% commission.

5. The seller was under a listing contract with a firm, "Q.E.," but agreed to meet with Respondent Nowak. The term of seller's listing contract with Q.E. was from December 11, 2018 to June 11, 2019.

6. The seller told Respondent Nowak that if he agreed to list his property with Respondent, the contract could not go into effect until after his contract expired with Q.E. Respondent agreed.

7. On May 31, 2019, Respondent Nowak and the seller signed a listing contract. The term of the contract was from May 31, 2019 to November 31, 2019 (sic).

8. Respondent Nowak told the seller to cancel his contract with his current listing agent.

9. On June 1, 2019, the seller contacted Q.E. and told them that he no longer needed their services as he was going to list with Respondents.

10. The Q.E. agent prepared an amendment to the listing contract, changing the term of the contract so that it ended on June 3, 2019 instead of June 11, 2019. The agent told the seller that Respondents should not have listed with him until after Q.E.'s contract expired.

11. On June 15, 2020, a Department investigator asked Respondent Nowak to provide all communication related to this transaction, including with the seller and all potential buyers. Respondent replied that he does not keep communications unless he believes there is going to be a problem with the transaction. In this case, he did not think there would be a problem with this transaction because the seller sold his home and received the proceeds from the sale of his home.

12. According to Department records, Respondent Nowak has a trade name of "Victory Realty Elite," with an effective date of November 24, 2014. On June 15, 2021, Respondent told the Department that he planned on doing business as Victory Realty Elite going forward, and that he would not be renewing the business entity license.

13. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent Victory Realty Elite retains the right to renew its real estate business entity license until December 14, 2025.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 24.13(5) by negotiating a sale of real estate directly with a party when Respondents knew that the party had an unexpired written contract in connection with the real estate that granted another licensee the exclusive right to sell.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 15.04(1) by failing to retain exact and complete copies of all correspondence utilized, received or prepared in connection with any transaction.

5. 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. The real estate broker's license of Respondent Lance Nowak (license no. 56668-90) is **SUSPENDED** for a period of ten (10) days, beginning fourteen (14) days from the date of this Order.

3. The real estate broker's license of Respondent Lance Nowak (license no. 56668-90) is also **LIMITED** as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of professional ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for this course.

b. Respondent shall submit proof of successful completion of the above education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. The education completed pursuant to this requirement may not 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.

4. Within ninety (90) days from the date of this Order, Respondent Lance Nowak shall pay a **FORFEITURE** in the amount of \$500 and one-half of the **COSTS** of this matter in the amount of \$1,592.

5. Respondent Victory Realty Elite is **REPRIMANDED**.

6. Within (90) days from the date of this Order, Respondent Victory Realty Elite shall pay a FORFEITURE in the amount of \$500 and one-half of the COSTS of this matter in the amount of \$1,592.

7. All submissions, including 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://dpsmonitoring.wi.gov/>

8. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 56668-90 and 937127-91), 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: 
A Member of the Board

9 December 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LANCE NOWAK AND
VICTORY REALTY ELITE,
RESPONDENTS.

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:
:

STIPULATION

ORDER 0007745

Division of Legal Services and Compliance Case No. 19 REB 110

Respondents Lance Nowak and Victory Realty Elite 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.

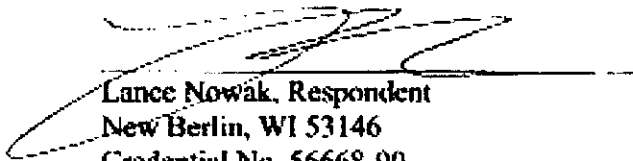
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

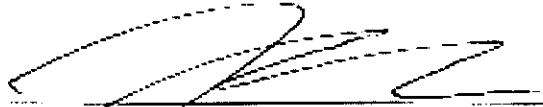
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.


Lance Nowak, Respondent
New Berlin, WI 53146
Credential No. 56668-90

Date

11/10/21


Victory Realty Elite, Respondent
By: Lance Nowak, Responsible Licensee
New Berlin, WI 53146
Credential No. 937127-91

Date

11/10/21


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

Date

11/10/2021