

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
REAL BROKER LLC, :
RESPONDENT. :
ORDER 0008282

Division of Legal Services and Compliance Case No. 22 REB 018

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

Real Broker LLC
Sun Prairie, WI 53590

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 Real Broker LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 938769-91, first issued on February 12, 2021 and current through December 14, 2022. Respondent's most recent address on file with the Department is in Sun Prairie, Wisconsin 53590.

2. On February 11, 2022, the Department received a complaint alleging that agents at Real Broker were being paid their commissions directly from the proceeds at closing by title companies. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 22 REB 018 for investigation.

3. On February 22, 2022, Real Broker's responsible licensee, Kathleen V. Olson, responded to the complaint. Olson did not deny that agents for Real Broker were paid their commissions with the proceeds at closing. Olson stated that Real Broker uses a "Commission Disbursement Authorization" form to direct the title company how to pay commissions. Olson

explained that this procedure allows Real Broker to assign the portion of the commission that the agent is legally entitled to receive and saves the need to issue a second check. Olson also stated that Real Broker still issues 1099 forms at the end of each tax year to their agents.

4. 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 Real Broker LLC aided and abetted the violation of Wis. Stat. § 452.19(2), pursuant to Wis. Admin. Code § REEB 24.17(3), by failing to ensure all fees or commissions and any part thereof for performing any act specified in this chapter were paid to the firm.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Real Broker LLC is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Real Broker LLC shall pay the COSTS of this matter, in the amount of \$650.

4. 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) 267-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Payment may also be made online via DSPS' Monitoring Case Management System at:
<https://app.wi.gov/DSPSMonitoring>

5. In the event Respondent violates any term of this Order, Respondent's credential (number 938769-91), or Respondent's right to renew its credential, 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Reckie
A Member of the Board

12-08-2022
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

REAL BROKER LLC,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008282

Division of Legal Services and Compliance Case No. 22 REB 018

Respondent Real Broker 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. 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. Respondent is represented by Attorney Robert C. Procter.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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.

Kathleen V. Olson

Real Broker LLC, Respondent
By: Kathleen V. Olson, Responsible Licensee
Sun Prairie, WI 53590
Credential No. 938769-91

Nov 17 2022

Date

Robert Procter

Robert C. Procter
Attorney for Respondent

Nov 17 2022

Date

Megan Reed

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

11/18/2022

Date