

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
STEVEN A. WALCZAK AND :
MATCH REALTY GROUP, LLC, :
RESPONDENTS. : **ORDER 0008493**

Division of Legal Services and Compliance Case No. 20 REB 055

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

Steven A. Walczak
Green Bay, WI 54304

Match Realty Group, LLC
Green Bay, WI 54304

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 Steven A. Walczak (Birth Year 1968) is licensed by the State of Wisconsin as a real estate broker, having license number 56052-90, first issued on September 10, 2010 and current through December 14, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Green Bay, Wisconsin 54304.

2. Respondent Match Realty Group, LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 936809-91, first issued on October 5, 2010 and current through December 14, 2024. Respondent's most recent address on file with the Department is in Green Bay, Wisconsin 54304.

3. Respondent Steven A. Walczak is identified in Department records as the responsible licensee in charge of Respondent Match Realty Group, LLC.
4. Respondents Steven A. Walczak and Match Realty Group, LLC have been previously issued an Administrative Warning as part of DLSC Case Number 14 REB 150 for failing to obtain written consent for a multiple representation relationship.
5. On July 18, 2020, the Department received a complaint alleging that Respondents, who represented Complainant in the purchase of a home located on Bartelt Street in Gresham, WI (hereinafter "Bartelt"), had failed to uphold a written agreement that repairs to the property would be completed by the time of closing. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 REB 055 for investigation.
6. On March 26, 2020, Respondents submitted a WB-11 Residential Offer to Purchase the Bartelt property. The offer was accepted on March 27th. Closing was scheduled to occur on May 11, 2020.
7. On March 31, 2020, the parties executed a WB-40 Amendment to Offer to Purchase, which listed repairs to the home that needed to occur by closing.
8. On April 6, 2020, another WB-40 Amendment to Offer to Purchase was executed moving the closing date to May 20, 2020, as Complainant had received an offer on his current residence on Ball Park Rd. in Leopolis, WI (hereinafter "Ball Park") that needed to close simultaneously with the Bartelt transaction due to financing conditions.
9. On May 19, 2020, the buyers of the Ball Park property informed Complainant that a well inspection issue with their current residence was going to cause them to have to move the purchase of Ball Park back, with a closing date to be anytime between May 20th and 26th, 2020.
10. On May 20, 2020, the buyers of the Ball Park property informed Complainant that the sale of their current residence had in fact closed, and they needed to close on the Ball Park property that morning.
11. The same day, another WB-40 Amendment to Offer to Purchase was executed changing the closing date of the Bartelt property from May 20, 2020 to May 21, 2020. Respondent Walczak contacted the seller's agent and requested that Complainant be allowed to move in a day early due to the closing on the Ball Park property leaving Complainant without a residence for the night.
12. The parties agreed that Complainant could take early occupancy of Bartelt, however this consent and any consideration given in exchange for it were never reduced to writing.
13. At closing on May 21, 2020, Complainant initially refused to continue with the closing because some of the repairs required to be completed by the WB-40 from March 31st had not been completed. Respondents claim that the repairs were waived in lieu of allowing Complainant to take occupancy the night before. The parties signed another WB-

40 Amendment to Offer to Purchase, which stated that repairs must be finished by May 31, 2020. Closing then proceeded to occur.

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

CONCLUSIONS OF LAW

1. The 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, Respondents violated Wis. Admin. Code § REEB 24.08 by failing to put in writing all transaction documents, expressing the exact agreement of the parties.

3. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 452.14(3)(i) and (L) and (4).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Steven A. Walczak is REPRIMANDED.

3. Respondent Match Realty Group, LLC is REPRIMANDED.

4. Respondent Steven A. Walczak's real estate broker license (no. 56052-90) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete one education course on the topic of Forms from a provider pre-approved by the Board or its designee, 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.

5. Within ninety (90) days from the date of this Order, Respondent Steven A. Walczak shall pay one-half of the COSTS of this matter, for a total of \$953.

6. Within ninety (90) days from the date of this Order, Respondent Match Realty Group, LLC shall pay one-half of the COSTS of this matter, for a total of \$953.

7. All submissions, including 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 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

Submissions may also be made online at: <https://dspsmonitoring.wi.gov/>

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 56052-90 and 936809-91), or Respondents' right to renew their credentials, 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: Thomas J. Rabie
A Member of the Board

4/13/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN A. WALCZAK AND
MATCH REALTY GROUP, LLC,
RESPONDENTS.

STIPULATION

ORDER 0008493

Division of Legal Services and Compliance Case No. 20 REB 055

Respondents Steven A. Walczak and Match Realty Group, 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 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.



Steven A. Walczak, Respondent
Green Bay, WI 54304
Credential No. 56052-90

3/20/23
Date



Match Realty Group, LLC, Respondent
By: Steven A. Walczak, Responsible Licensee
Green Bay, WI 54304
Credential No. 936809-91

3/20/23
Date



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

3/21/23
Date