

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL J. LYNKEY JR. and  
LYNKEY PROPERTY MANAGEMENT INC.,  
RESPONDENTS.

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FINAL DECISION AND ORDER

**ORDER 0008824**

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Division of Legal Services and Compliance Case No. 20 REB 032

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

Michael J. Lynskey Jr.  
Stillwater, MN 55082

Lynskey Property Management Inc.  
Stillwater, MN 55082

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 Michael J. Lynskey Jr. (Birth Year 1970) is licensed by the State of Wisconsin as a real estate salesperson, having license number 40475-94, first issued on December 14, 1993 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 Stillwater, Minnesota 55082.

2. Respondent Lynskey Property Management Inc. is licensed by the State of Wisconsin as a real estate business entity, having license number 834206-91, first issued on December 30, 1991 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 Stillwater, Minnesota 55082.

3. On May 4, 2020, the Department received a complaint alleging that Respondent Lynskey had acted inappropriately in drafting an addendum to a lease between the complainant and Respondent's client. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 REB 032 for investigation.

4. In 2012, Respondents represented a client in the negotiation of a lease for a commercial property owned by the complainant's business in Hudson, Wisconsin.

5. The lease was signed on September 26, 2012. The lease form did not indicate who drafted the form.

6. On January 31, 2014, Respondent Lynskey drafted an amendment to the lease for the subject property.

7. On August 8, 2020, the Department contacted Respondents to request a response to the complaint.

8. On August 24, 2020, the Respondents' attorney stated that a real estate attorney had drafted the lease, and that in 2014, Respondent Lynskey had drafted the amendment. The Respondents' attorney stated that the amendment was a memorialization of changes to terms of the lease, and was "a very simple one page worth of terms."

9. On December 5, 2022, the Department contacted the Respondents' attorney to ask if the amendment was made without the involvement of an attorney.

10. On December 27, 2022, the Respondents' attorney stated that Respondent Lynskey drafted the amendment without the involvement of an attorney.

11. 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, Respondent Lynskey violated Wis Admin. Code § REEB 24.06(1) by engaging in the unauthorized practice of law by drafting the 2014 lease amendment.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Michael J. Lynskey Jr. is REPRIMANDED.
3. Respondent Lynskey Property Management Inc. is REPRIMANDED.
4. Within ninety (90) days from the date of this Order, Respondent Michael J. Lynskey Jr. shall pay one-half of the COSTS of this matter in the amount of \$293.
5. Within ninety (90) days from the date of this Order, Respondent Lynskey Property Management Inc. shall pay one-half of the COSTS of this matter in the amount of \$293.
6. All submissions, including 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/>

7. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 40475-94 and 834206-91), 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.
8. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:

  
A Member of the Board

10/19/2023  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL J. LYSKEY JR. and  
LYNSKEY PROPERTY MANAGEMENT INC.,  
RESPONDENTS.

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STIPULATION

**ORDER 0008824**

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Division of Legal Services and Compliance Case No. 20 REB 032

Respondents Michael J. Lyskey Jr., Lyskey Property Management Inc., 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 Kevin Sandstrom.


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.

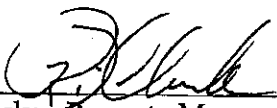
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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.

  
Michael J. Lynskey Jr., Respondent  
Stillwater, MN 55082  
Credential No. 40475-94

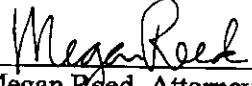
8/10/23  
Date

  
Lynskey Property Management Inc., Respondent  
Stillwater, MN 55082  
Credential No. 834206-91

8/10/23  
Date

/s/Kevin S. Sandstrom  
Kevin Sandstrom, Attorney for Respondents  
1809 Northwestern Ave  
Stillwater, MN 55082

8/11/23  
Date

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

08/11/2023  
Date