



DSPS Report

January 2019

Today you are receiving the Department of Safety and Professional Services (DSPS) Report. This report is to assist you in communicating regulatory activities associated with your license and practice as a real estate professional in Wisconsin. At the end of the report, you can read recent disciplinary actions taken by the Real Estate Examining Board (REEB) regarding Wisconsin real estate licensees.

The information is meant to serve as a summary of the events and changes affecting you at the DSPS. For further information about any topic, feel free to contact Cori Lamont at CoriL@wra.org.

WB Forms

The Contractual Forms Advisory Committee provides the REEB assistance in reviewing, modifying and creating the WB forms Wisconsin real estate licensees are required to use.

Currently being revised: WB-11 Residential Offer to Purchase

If you have any comments or suggestions relating to the offer to purchase forms, please contact Debbi Conrad at dconrad@wra.org.

Filing a complaint with the DSPS and REEB

A complaint can be filed by real estate licensees and members of the public against those licensed by the DSPS, including real estate licenses. Complaints can be filed online at <https://dsps.wi.gov/Pages/SelfService/FileAComplaint.aspx>. Complaints can be filed anonymously. For questions frequently asked about the filing of complaints, visit <https://dsps.wi.gov/Documents/FAQComplaints.pdf>.

REEB Discipline from Recent Months*

Salesperson

Facts: Salesperson license was first issued 4/18/1995 and current through 12/14/18. On 8/4/17, the Department received a complaint regarding a real estate transaction. The case was opened for investigation. On 5/16/17, the licensee drafted an offer to purchase on behalf of buyers. The offer included an inspection contingency with a right to cure. On lines 421-424, the offer states, "This Contingency shall be deemed satisfied unless Buyer, within 7 days of acceptance, deliver to Seller a copy of the written inspection report(s) and a written notice listing the Defect(s) identified in those report(s) to which Buyer objects (Notice of Defects.). **CAUTION: A proposed amendment is not a Notice of Defects and will not satisfy this notice requirement.**"

The sellers accepted the offer on 5/17/17. On 5/24/17, at approximately 10:15 p.m., the buyers delivered to the sellers a WB-40 Amendment to Offer to purchase (Amendment) drafted by the licensee attaching the home inspector's five-page summary to his report. Buyers demanded acceptance by 11:59 p.m. on that same day.

Violated: Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care, and Wis. Admin. Code § REEB 16.06(8) by failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual instruction on the person for whom the license uses the forms and prepares the addenda.

Discipline: Within 90 days shall successfully complete six hours of remedial education on the topics of contracts, approved forms, and/or business ethics and pay costs in the amount of \$325.

Facts: Salesperson license was first issued 9/12/13 and current through 12/14/18. On 8/4/17, the Department received a complaint regarding a real estate transaction. The case was opened for investigation. On 4/17/17 the licensee was convicted of OWI (3rd), a misdemeanor in Calumet County. The licensee was sentenced to 50 days in jail, revocation of driver's license for 26 months, and an AODA assessment among other things. On 4/25/17, the licensee reported his conviction to the DSPS.

Violated: Wis. Admin. Code § REEB 24.17(1) by violating a law the circumstances of which substantially relate to the practices of a real estate licensee. Wis. Admin. Code § REEB 24.17(1) by failing to report his 2017 conviction within 48 hours after the judgment of conviction.

Discipline: The broker agreed in stipulation not to drive current or prospective clients in a motor vehicle, may petition the board for termination of this limitation after two years of practice, and within 90 days shall pay costs of \$287.

Facts: Filed an application to practice as a salesperson. Information received in the application process reflected: on or about 8/17/04 – operating while intoxicated (OWI) 1st, an ordinance violation; on or about 7/7/08 – OWI 2nd, misdemeanor; on or about 7/7/18 – OWI 3rd, a misdemeanor; on or about 1/11/18 – OWI 4th, a misdemeanor.

Board determination: Granted a salesperson license subject to the following limitations, terms and conditions: at all times, practice as a salesperson under the supervision of a Wisconsin-licensed broker approved by the REEB, notify the firm of the history of arrests and convictions and a copy of the order prior to becoming associated with the firm, arrange for written reports from supervisor(s) to be provided to the DSPS on a quarterly basis, and shall not drive current or prospective clients in a motor vehicle.

Facts: Filed an application to practice as a salesperson. Information received in the application process reflected: on or about 10/31/12 – OWI Causing Injury, a misdemeanor conviction. Applicant drove home from a work-related party while seriously intoxicated and caused an accident wherein three vehicles were damaged and another driver received lacerations to the head. Application had no other convictions, traffic- or alcohol-related or otherwise.

Board determination: Granted a salesperson license subject to the following limitations, terms and conditions: at all times, practice as a salesperson under the supervision of a Wisconsin-licensed broker approved by the REEB, notify the firm of the history of arrests and convictions and a copy of the order prior to becoming associated with the firm, arrange for written reports from supervisor(s) to be provided to the DSPS on a quarterly basis, and shall not drive current or prospective clients in a motor vehicle.

Facts: On 1/23/14, the REEB issued an Order granting the applicant a license with certain terms and conditions. The REEB reviewed the applicant's compliance history on 10/18/18.

Board determination: Upon review the REEB suspended the salesperson license.

Facts: On 11/9/15, the REEB issued an Order granting the applicant a license with certain terms and conditions. The REEB received information the licensee had been working as a salesperson without a Wisconsin license and was in violation of other terms of the applicant's compliance.

Board determination: Upon review the REEB suspended the salesperson license.

Broker and Business Entity

Facts: On 12/4/14, the REEB issued an Order requiring the licensed broker to pay \$515 in costs and \$500 forfeiture, and complete education on trust accounts within 90 days. The broker failed to comply with the Order.

Board determination: Upon review the REEB suspended the broker license.

* This information includes disciplinary actions from September 1, 2018 to December 10, 2018. In addition to the above-noted disciplines, during this time there were two real estate broker license and six real estate salesperson licenses returned to full, unrestricted status after fulfilling previously determined disciplinary orders.

For more information about disciplinary actions and orders from the REEB, visit the REEB's Lookup Orders and Disciplinary Actions page online at <https://dsps.wi.gov/Pages/SelfService/OrdersDisciplinaryActions.aspx>. A search may be conducted by board or by license.

The Wisconsin REALTORS® Association DSPS Report is a communication provided for you by the WRA's Legal and Public Affairs department. Any information should be considered a general statement of applicable legal principles. Other than the published orders and disciplinary actions taken by the REEB and the DSPS, all information contained herein is subject to change due to a number of circumstances including but not limited to, state and federal legislative changes, internal and external influences outside the control of the REEB and DSPS as well as changes in priority of the issues as determined by the REEB and DSPS. Information contained in this correspondence does not constitute legal advice and should not be relied upon as legal advice. A determination of one's legal rights can only be obtained after complete analysis of the law and its applicability to one's particular fact situation. Private legal counsel should be consulted if legal advice is needed.


Wisconsin REALTORS® Association
4801 Forest Run Road, Madison, WI 53704
800-279-1972 | 608-241-2047 | www.wra.org
© 2019 Wisconsin REALTORS® Association