DSPS Report

January 2020

Today you are receiving the Department of Safety and Professional Services (DSPS) Report. Previously this report was provided as a summary of regulatory activities associated with your license, your practice as a real estate professional in Wisconsin as well as recent disciplinary actions taken by the Real Estate Examining Board (REEB) regarding Wisconsin real estate licensees.

However, many of you have been asking about the DSPS' Regulatory Digest; a document previously published by the Department summarizing all the disciplinary actions taken within a certain time frame for licensees regulated by the state, including real estate licensees. Unfortunately, the Regulatory Digest has not been produced by the state for more than a decade.

Due to the increase in requests to learn about disciplinary actions taken against real estate licensees, the WRA offers the following summary of all the disciplinary actions taken by the REEB in 2019.

For other information relating to the DSPS, the Legal Hottips will continue to keep you apprised of changes relating to forms, rules and other matters impacting your practice.

Filing a complaint with the DSPS and REEB

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

REEB Discipline from 2019*

Salesperson

Facts: Salesperson license was first issued on 12/23/11 and current through 12/14/20. On 10/27/10, the salesperson pled guilty to and was convicted of Theft-False Representation >$2500-$5000, Party to a Crime, a Class I felony. According to the criminal complaint, the salesperson orchestrated an attempt to defraud a mortgage lender by inflating the sale price of a home, obtaining a mortgage loan based upon the inflated sale price, and siphoning off the excess loan proceeds. The salesperson was to receive a secret payment of approximately $6,000.00 from the property sale closing. On 12/21/10, the salesperson was sentenced to nine months in the House of Correction, sentence stayed, and two years of probation; conditions of probation included, among other things, no financing of any type in real estate and may not work as a broker. On 12/23/11, the board issued an order granting the salesperson a limited license as a real estate salesperson. On 10/27/14, the board removed all limitations and encumbrances on the license. On 5/5/17, the salesperson pled guilty to and was convicted of conspiracy to Obtain Payments for Fraud Claims, a felony, in United States District Court Eastern District of Wisconsin. The indictment alleged that the salesperson acted contrary to I8 U.S.C. § 286 by knowingly conspiring with others to defraud the United States by obtaining payment and aiding others to obtain payment for false and fictitious federal income tax refund claims from approximately 2011 until at least May 2012. The indictment further alleged that, in furtherance of the conspiracy, the salesperson obtained and provided information to one or more co-conspirators for the purpose of preparing and submitting false and fraudulent tax returns. Specifically, the broker provided the names and Social Security numbers of individuals as well as employer identification numbers for her business entities. On 7/13/17, the

salesperson's probation officer reported to the Department that the salesperson had pled guilty to federal charges of Conspiracy to Obtain Payments for False Claims, and the respondent would be sentenced on 9/7/17. A case was opened for investigation. On 9/7/17, the salesperson was sentenced to one year and one day imprisonment, three years supervised release, and was ordered to pay $84,734.00 in restitution.
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.
Discipline: The salesperson agreed by stipulation to voluntarily surrender the license.

Facts: Salesperson license was first issued 5/18/01 and expired 12/15/18. On 7/3/17, the Department received a complaint regarding the sale of a property located in Hudson, Wisconsin. The Department opened the case for investigation. The salesperson worked with a co-worker, J.B., who does not hold a Wisconsin real estate credential, for the purchase of the subject property. The only buyer agency agreement in place for this transaction was between the buyers and J.B. On 6/3/17, the salesperson allowed J.B., who does not hold a Wisconsin real estate credential, to show the subject property to the buyers. The salesperson did not attend the showing. On 6/3/17, the salesperson drafted an offer to purchase (OTP) on behalf of the buyers. The salesperson errantly included a Minnesota Inspection Contingency Form with the OTP, despite it being an out-of-state form, and despite the OTP already containing an Inspection Contingency. On 6/3/17, the salesperson incorrectly drafted a Personal Property Agreement form, which is used for Minnesota real estate transactions, rather than the Wisconsin-approved WB-25 Bill of Sale.
Violated: Wis. Stat. § 452.133(1)a by failing to provide brokerage services with reasonable skill and care pursuant to Wis. Stat. § 452.133(4m)(a) and Wis. Admin. Code § REEB 16.06(8) by failing to use approved forms.
Discipline: The salesperson agreed by stipulation that the right to renew the salesperson license is limited as follows: the salesperson shall successfully complete a course on offers to purchase and other approved forms and within 90 days pay costs in the amount of $586.00.

Facts: Salesperson license was first issued on 9/7/93 and current through 12/14/20. On 5/4/17, the Department received a newspaper article regarding the salesperson forging a client's signature. The Department opened the case for investigation. On 12/1/16, the salesperson was formally charged with three counts of forgery for signing her client's signature on a Broker Disclosure to Customer form. On 5/15/17, the state of Minnesota Department of Commerce disciplined the salesperson for forging her client's signature on a Broker Disclosure to Customer form and notified the Minnesota Commissioner of felony criminal charges that were filed against her subsequent to obtaining a license. The Minnesota real estate salesperson license was revoked, she was ordered to pay investigative costs of $1,500.00, and she was ordered to pay a forfeiture of $20,000.00, which was stayed. The Order stated if the salesperson did not violate the Order or any sentencing terms or conditions imposed on the salesperson, the Minnesota Houston County District Court stay would become permanent. On June 23, 2017, the licensee entered into a plea agreement in Minnesota. The other two forgery counts were dismissed. The licensee was placed on two years of supervised probation and fined $1,102.67.
Discipline: The salesperson voluntarily surrendered the license; a permanent relinquishment.

Facts: Salesperson license was first issued on 7/11/89 and current through 12/14/20. On 4/6/18, the Department received a complaint regarding the salesperson and a case was opened for investigation. During the investigation, the Division requested that the salesperson provide proof of completion of continuing education (CE) for the 2014-2016 biennium. The salesperson informed the Division investigator that the salesperson did not possess any CE certificates for the 2014-2016 biennium and had paid for the courses but never completed them.
Violated: Wis. Admin. Code § REEB 25.065(I) by failing to satisfy the CE requirements for the 2014-2016 biennium.
Discipline: The salesperson agreed by stipulation within 60 days to successfully complete 18 hours of CE, in accordance with the requirements specified in Wis. Admin. Code § REEB 25.065 and within 90 days to pay one-half of the costs in the amount of $365.00.

Broker and Business Entity

Facts: Broker license was first issued 2/13/12 and current through 12/14/18. On 5/12/16, the broker pled guilty to and was convicted of fourth degree sexual assault, a violation of Wis. Stat. § 940.225(3m), a misdemeanor. Sentenced to two years of probation. The broker completed the terms of probation on 5/12/18.
Violated: Wis. Admin. Code § REEB 16.06(8) by violating a law the circumstances of which substantially related to the practices of a real estate licensee.
Discipline: The broker agreed by stipulation to the voluntary surrender of license, a permanent relinquishment of their broker license and cannot seek reinstatement of salesperson until 12/13/19, which if granted, the board would provide limitations. In addition, the broker was required to pay $7,087 in costs.

Facts: Broker business entity license was first issued 5/6/93 current through 12/14/18. The license was expired from 12/15/12 to 12/30/16. During this period the broker practiced real estate on at least two occasions.
Violated: Wis. Stat. § § 452.03 and 452.12(5)(bm)1 by engaging in the business of a broker without a license.
Discipline: The broker agreed by stipulation to a forfeiture of $1,000 and costs of $650.

Facts: Broker license was first issued 7/22/86 and current through 12/14/20. The broker's business entity license was first issued on 10/27/94 and current through 12/15/20. On 9/23/99, the board reprimanded the broker for providing brokerage services to a customer without an agency agreement authorizing those brokerage services, and for failing to adequately supervise the activities of one of the firm's brokers in violation of Wis. Admin. Code §§ RL 217.08(1), 24.025(2), 24.08 and 24.17(3), and Wis. Stat. §§ 452.12(3)(a), 452.135(1), 452.14(3)(i) and 452.14(3)(L). On 8/24/06, the board reprimanded the broker for failing to conduct timely bank reconciliations, trial balances and validations, and for permitting their trust account to accumulate an unaccounted deficit of over $7,400.00 in violation of Wis. Admin. Code §§ RL 18.13 and 18.031(I). The broker and entity license were limited requiring them to employ a Certified Public Accountant to audit their trust account, on a random date, within 12 months of the Order. On 6/24/08, the board reprimanded the broker assessing a $1,000 forfeiture for failing to conduct timely bank reconciliations, trial balances and validations, and for permitting the trust account to accumulate an unaccounted for deficit of $171.32 in violation of Wis. Admin. Code §§ RL 18.13 and 18.031(I). The broker was limited to require and designate a licensed real estate broker, in good standing, to administer the trust account. The broker was ordered to report who the designee was to the Department within 30 days of the date of the order, and was required to cause an audit of the trust account to be conducted with the results to be submitted to the Department by 2/28/10. On 2/23/11, the board suspended the broker's limited license for violating the order because the broker failed to submit an audit of the trust account and failed to report the designee assigned to administer the trust account. On 5/11/11, the board ordered the suspension of the broker's limited license be stayed for 30 days following the receipt of a Petition for Review filed by the broker's attorney. The board further ordered the broker to have a public accountant conduct an audit of all of the broker's real estate trust accounts and to submit the audit and any supporting materials to the Department prior to the end of the 30 days. On 7/5/11, the board restored the broker's license to full and unrestricted status. On 12/22/14, 1/9/15 and 1/16/15, the Department received complaints alleging the broker and its entity had advertised the purchase of a lot within the Villa Farms subdivision (Villa Farms) included partial ownership of a 160-acre common area (outlot), but ownership of the outlot was never transferred to the Villa Farms lot owners. In addition, the complaints alleged that the broker failed to disclose her interest in Villa Farms and misrepresented the details of the outlot. The case was opened for investigation. In 2005, the broker was the exclusive real estate broker for Villa Farms. The broker distributed an ad for Villa Farms stating "160 Acres of Common Area Property Exclusively for Villa Farms Home Owners." On or about 3/4/05, the broker certified the broker had inspected the Villa Farms subdivision on lines 56-58 on the Real Estate Condition Report-V. On 4/22/05, the broker and its entity, on behalf of Buyers Ma.N. and Mi.N. (Buyers 1), completed a WB-13 Vacant Land Offer to Purchase. The broker did not identify her role in the transaction on line 1. On 8/11/05, the broker and its entity, on behalf of Buyers 1, completed a WB-40 Amendment to Offer to Purchase, which was not completed on line 35. On 10/25/05, J.E., owner of the development company for Villa Farms, signed a "Declaration of Covenants, Conditions, and Restrictions to the Plats of villa Farms North and Villa Farms South, ..." Under Article IV, Section 3, it states, "Title to Common Properties. Declarant shall

convey marketable legal title to the Common Properties by way of an undivided one-twenty fifth (l/25) interest, as tenant in common, to the Owner of each Lot." On 10/28/05, Buyers 1, represented by the broker and its entity, purchased lot 12 of Villa Farms. On 1/12/06, an attorney filed a document related to "Declaration of covenants, Conditions, and Restrictions to the Plats of villa Farms North and Villa Farms South." Article IV, Section 3 of the document states, "Title to Common Properties. Declarant shall convey marketable title to the Common Properties Association." The broker married J.E. in 2010. J.E. passed away in 2011. On 10/19/12, the broker and its entity, on behalf of Buyers G.H. and D.H. (Buyers 2), completed a WB-13 Vacant Land Offer to Purchase. On 10/19/12, Buyers 2, represented by the broker and its entity, purchased lot eight of Villa Farms. The broker and its entity represented to Buyers 2 that there was a l60-acre outlot for exclusive use by Villa Farms lot owners. On 8/15/13, the broker and its entity, on behalf of Buyers 1, completed a WB-13 Vacant Land Offer to Purchase (Offer) for lots one and two of Villa Farms. On lines 535-536, the Offer does not indicate who drafted it, Mi.N. is not listed as a buyer on lines 3-4 even though Mi.N. signed the Offer on line 539, line 539 is missing the date next to Mi.N.'s signature and Line 540 is missing Mi.N.'s printed name. On 9/19/13, Buyers 1, represented by broker and its entity, purchased two additional lots, lots one and two, of Villa Farms. On 10/1/14, the broker and its entity, on behalf of Buyers D.C. and C.C. (Buyers 3), completed a WB-13 Vacant Land Offer to Purchase for lots six and seven of Villa Farms. On 10/1/14, Buyers 3, represented by the broker and its entity, purchased lots six and seven of Villa Farms. The broker and its entity represented to Buyers 3 that there was a l60-acre outlot for exclusive use by Villa Farms lot owners. In 2014, Buyers 1 discovered that the development company, now controlled by the broker, was still the sole owner of the outlot, and that the outlot is approximately 123 acres, of which approximately 105 acres are accessible to all Villa Farms members. In a deposition on 8/24/15, the broker testified she received the outlot acreage directly from J.E., she did not attempt to verify the information in any way, and she never looked into ownership of the outlot.
Violated: Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care; 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 of the person for whom the licensee uses the forms and prepares the addenda; Wis. Admin. Code § REEB 24.03(2)(b) by failing to protect the public against fraud, misrepresentation and unethical practices; Wis. Admin. Code § REEB 24.04(1) by advertising in a manner which is false, deceptive, or misleading; and Wis. Admin, Code § REEB 24.07(1) by failing to conduct a reasonably competent and diligent inspection of the property. The business entity violated Wis. Admin. Code § REEB 24.17(3) by aiding or abetting the above violations.
Discipline: The broker agreed by stipulation that within 90 days the broker must successfully complete nine hours of education on the topics of Approved Forms, Business Ethics and Consumer Protection offered by a provider pre-approved by the board's monitoring liaison, including taking and passing any exam(s) offered for the course(s) and pay a forfeiture in the amount of $1,000.00 and one-half the costs of this matter in the amount of $873.00. The business entity shall pay within 90 days one-half the costs of this matter in the amount of $873.00.

Facts: Broker license was first issued on 2/1/07 and current through 12/14/20. On 12/7/16, the Department received a complaint alleging the broker improperly advertised the sale of a motel after a fire damaged the property. A case was opened for investigation. On 1/30/15, the broker listed the motel property before the fire occurred, which is around the time when broker inspected the property and took pictures for the listing. The property was listed at $399,998. Interior and exterior photos taken by the broker were included in the listing. On 8/17/15, the motel sustained fire damage. On 2/2/16, the listing contract expired. No modification was made to the listing description, price or photos between 8/17/15 and 2/2/16. On 6/1/16, the seller engaged the broker to relist the property at $149,987. When the broker re-listed the property, the fire damage had not been repaired and the interior was inaccessible for photos. The new listing identified the fire, however, it included photos taken prior to the fire without identifying the photos as pre-dating the fire. The property listing was reduced to $129,987 in September 2016, and to $59,900 in October 2016. On 12/1/16, broker had a showing on the property. At the time of the showing, the listing continued to display old photos, without identifying the photos as predating the fire, and instead stated this: "Property Sold as is due to fire damage. Long established Motel business in ideal central location offers great INVESTMENT OPPORTUNITY. Motel (6,448 sq. ft. approx.) has 18 living units, including 2-BR apartment & an efficiency. Central A/C w/Ducts Zoned Business sits on large comer lot with high visibility & traffic count. Conveniently close to downtown & major highway. Property has 25+ assigned paved parking spots & handicap access. Sale includes business name, office and inventory.

This 0.41 acre comer lot could also be perfect site for a new business. This is an AUCTION listing. Agents can submit offers until 11/15/16. Seller will respond to the best and highest offers. Property is being sold as-is, where-is." On 12/2/16, after the showing, the broker updated the listing to include additional information, stating that, "there was a fire damage on property, City of Wausau has ordered property demolition, please contact inspection department of City of Wausau for more information,' and added exterior photos to the listing to show the fire damage.
Violated: Wis. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.
Discipline: The broker agreed by stipulation in 90 days to successfully complete a course on the topic of consumer protection and to pay a $500 forfeiture and one-half of the costs in the amount of $1,118.00.

Facts: Broker license was first issued on 1/26/11 and current through 12/14/20. The business entity license was first issued on 3/18/14 and currently expired as of 12/15/18. The business entity license was expired from 12/15/14 to 2/16/15. Between 12/15/14 and 2/16/15, the broker performed at least one real estate transaction on behalf of the business entity. The business entity license was also expired from 12/15/16 to 1/2/18. Between 12/15/16 and 1/2/18, the broker listed at least 13 properties on behalf of the business entity. In July 2016, the broker listed a property in which her husband had an interest (the Property). In February 2017, the broker received an offer to purchase the property. On or about April 7, 2017, the sale of the property closed. The broker did not obtain prior written consent of all the parties to the property transaction to act on behalf of an immediate family member.
Violated: Wis. Admin. Code § REEB 24.05(2) by acting on behalf of a family member in a real estate transaction without obtaining the prior written consent of all the parties to the transaction; Wis. Stat. § 452.03(1) by engaging in the practice of real estate under the entity while the business entity's license was expired.
Discipline: The broker agreed by stipulation in 180 days to pay a $500 forfeiture, and one-half of the costs in the amount of $1,129, and the business entity within 180 days shall pay one-half of the costs in the amount of $1,1295.

Facts: Broker license was first issued on 11/20/08 and expired as of 12/15/18, and salesperson license was first issued on 1/10/07 and expired 12/15/18. The business entity license was first issued on 1/23/86 and expired 12/15/18. On 12/20/17, the Department received a complaint from one of the business entity's clients alleging that the licensee(s) and its entity failed to disperse several months of collected rents owed to Complainant. A case was opened for investigation. The licensee(s) including the entity do not wish to contest the case and wanted to resolve the case through the voluntary surrender of their right to renew their respective licenses. Pursuant to Wis. Stat. § 440.08(3), the licensee retains the right to renew the broker, salesperson and business entity license until 12/14/23.
Discipline: The licensees by stipulation agreed to voluntarily accept the surrender of the broker, salesperson and business entity license, which constitutes the permanent relinquishment of the right to renew the broker, salesperson and business entity license and the right to practice in the state of Wisconsin.

Facts: Broker license was first issued on 5/16/00 and current through 12/14/20. Business entity license was first issued on 5/16/00 and current through 12/14/20. On 12/15/18, the business entity license was expired. On 5/24/19, the business entity license was renewed. Between 12/15/18 and 5/24/19, the broker and its entity conducted approximately 50 real estate transactions.
Violated: Wis. Stat. § 452.03(1) by engaging in brokerage services without a license.
Discipline: The broker agreed by stipulation within 90 days the broker to pay one-half the costs in the amount of $344.00, and the business entity to pay one-half of the costs in the amount of $344.00.

Facts: Broker license was first issued 2/14/19 and current through 12/14/20. Business entity license was first issued on 10/28/19 and current through 12/14/20. On 9/11/17, the Department received a complaint alleging that the broker failed to file a real estate condition report (RECR) when he sold Complainant's residence at auction, which voided the sale. The Department opened the case for investigation. On 4/30/17, the broker and Complainant signed a WB-1 Listing Contract for Complainant's residence that was prepared by the broker and its entity. Line 244 of the WB-1 indicated Complainant's residence was to be sold at auction in "as is condition." The WB-1 form was not the latest version approved by the board, and the completed form omitted Complainant's address from line 265. The broker did not have Complainant complete an RECR for complainant's residence. On 5/16/17, the broker and complainant

signed a WB-42 Amendment to Listing Contract for Complainant's residence that was prepared by Respondents. The WB-42 form was not the latest version approved by the Board. On 6/10/17, two individuals (Buyers) submitted a WB-11 Offer to Purchase for Complainant's residence that was prepared by the broker. The WB-11 form was inadequate in the following ways: Line 2 did not indicate that the broker was "Agent of Seller / Listing Broker." Lines 10-11 of the WB-11 indicated that an unspecified amount of money would be provided "within closing (sic) days of acceptance." There were no inclusions or exclusions identified at lines 14-I 8. Lines 38-54 listed several methods of document delivery, but the boxes on lines 40, 42, 45 and 49 were not marked. On the copy of the WB-11 provided by broker, lines 66-110 and lines 148-158, which respectively pertained to property defects and the RECR, were struck out. Lines 124-135 failed to indicate how taxes would be prorated. Lines 159-164 regarding property conditions were not completed. No contingencies were indicated. After the 6/10/17 Offer to Purchase was accepted by Complainant, the brokers provided Buyers with a key to Complainant's residence so they could inspect the well and septic although he was not authorized to do so.
Violated: Wis. Admin. Code § REEB 16.06(7) by failing to use the latest approved version of a board-approved form; 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 of the person for whom the licensee uses the forms and prepares the addenda; Wis. Admin. Code § REEB 24.03Q)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices; Wis. Admin. Code § REEB 24.03(2Xc) by failing to be knowledgeable regarding laws, public policies and current market conditions on real estate matters and assist, guide, and advise the buying or selling public based upon these factors. The business entity violated Wis. Admin. Code § REEB 24. I 7(3) by aiding and abetting the aforementioned violations.
Discipline: The broker agreed by stipulation the broker license was to be limited as follows: within 90 days the broker shall complete education on the topics of approved forms, business ethics and consumer protection and pay one-half of the costs in the amount of $684.00, and the business entity shall pay one-half of the costs in the amount of $684.00.

Facts: Broker license was first issued on 4/12/05 and current through 12/14/20. On 4/4/17, the Department received a complaint regarding the broker's brokerage services for a property in Appleton, Wisconsin. A case was opened for investigation. On 6/30/16, the Complainant signed a WB-1 Residential Listing contract (First Contract) with the broker for the sale of Complainant's home for a term from 6/30/16 to 12/30/16. On the First contract's Listing Questionnaire Regarding Title Issues form, Complainant indicated that there was a credit lien on the property, but no mortgage information was listed on the Title Information form. On or about 9/23/16, Complainant and broker signed a second WB-1 Residential Listing Contract (Second Contract) for the sale of the subject property for a term from 9/26/16 to 9/26/17. The second contract and its addenda and amendments contained the following errors: The file reference of pages 2-5, located in the bottom-right comers indicated "Sample," while the file reference on the last page indicated a specific address. The first page of the contract indicated that it was page 1 of 6, but the remainder of the pages indicated that the contract was only five pages. It was indicated that different versions of this contract were created but only one incomplete document was maintained. Complainant's initials were erroneously omitted from line 129 of the WB-1; Complainant's Spouse signed the seller's property home improvements form, the Seller's Estimated Costs form, the Inclusions/Exclusions form and the Home Warranty; and Complainant's signature was absent from each of these forms. The Title Issues form indicated that there was no credit lien on the property and the Title Information form was not completed for this listing. The 11/2/16 WB-42 to change the listing price was never signed by the broker or the broker's supervising broker. On or about 11/22/16, Complainant and broker signed a third WB-1 Residential Listing Contract (Third Contract) for the sale of the subject property for a term from 11/22/16 to 11/22/17. The Third Contract contained the following errors: The Third Contract's Title Issue form indicated that there was either unrecorded contracts or persons claiming ownership rights or lien rights on the property, but no explanation was provided at the bottom of the form. The Title Information form did not list any mortgage information. The electronic signature for complainant's spouse misspelled her first name. On or about 11/28/16, Complainant and the broker signed a fourth WB-1 Residential Listing Contract (Fourth Contract) for the sale of the subject property for a term from 11/30/16 to 11/30/17. On this Contract, the electronic signature for Complainant's spouse misspelled her first name. On 1/14/17, the broker sent an email to Complainant indicating that she had shown the property to a prospective buyer prior to that date. The MLS history did not indicate that this showing occurred. On 8/10/17, the broker drafted a Cancellation and Mutual Release (CAMR). The CAMR stated that the second contract

was canceled, but only if all parties executed the CAMR on or before 8/13/17. Complainant never signed the CAMR and Complainant's spouse did not sign it until 9/12/17. On 9/20/17, the Department received a complaint regarding the broker's brokerage services for the subject property located in Kaukauna, Wisconsin. The Department opened a case for investigation. On or about 4/15/17, Complainant and the broker executed a WB-11 form for the purchase of a property. The WB-11 form initially provided to the Department was hand-written, and the form's file reference indicated that it was a sample document. The WB-11 form received by the Department on 6/7/18 in response to the complaint was a typed version. The last page of this WB-11 was not hand-written and appeared to be copied from the hand-written version of the WB-11 that the Department received as part of the complaint. The first page indicated a specific address and the last page indicated "Offer Sample." The WB-11 provided to the Department by the broker did not include all nine pages. On 4/15/17, the broker completed the WB-36 form. Complainant's printed name, telephone number and date were listed on lines 224 and 226, but the signature was signed by the Complainant where the broker's signature should have been, and the broker did not sign the contract. On 4/17/17, the broker was listed as the seller's agent on Addendum TR. The broker later admitted that the broker did not present the form to the seller. On 6/16/16, on the WB-41 form, the broker's partner's name was absent from line 34 and the broker did not complete line 41. A completed WB-41 was not maintained by the broker. On 11/27/17, the Department mailed a letter to the broker at the broker's address of record with the Department notifying the broker of the complaint and requesting a response. The letter was returned to the DSPS by the USPS. On 12/8/17, the Department emailed the broker's supervising broker requesting contact information for the broker. The supervising broker replied on the same day and copied the broker on the reply. On 1/10/18, the broker contacted the Department. The broker asserted the broker had not received any correspondence from the Department. However, the 12/8/17 correspondence had been sent to the broker's updated mailing address.
Violated: Wis. Stat. § 452.133(1)(b) by failing to provide reasonable skill and care; Wis. Admin Code § REEB 16.06(8) by failing to use approved forms and pre-addendum in a manner to adequately accomplish the instruction of the person for whom the licensees uses the forms and prepares the addenda; Wis. Admin Code § REEB 15.04(1) failing to retain records for two years exact and complete copies of all documents prepared or received in a transaction; Wis. Admin Code § REEB 24.17(5) by failing to respond to a request for information from the Department within 30 days of the request.
Discipline: Broker agreed by stipulation to the following limitations: within 60 days successfully complete a course on the topic of forms and business practices, and within 90 days pay a forfeiture of $1,000.00 and one-half of the costs in the amount of $2,273.

Facts: Broker license was first issued on 5/22/01 and current through 12/14/2020. On 4/6/18, the Department received a complaint regarding the broker. The case was opened for investigation. During the investigation, the Division requested the broker provide proof of completion of continuing education (CE) for the 2014-2016 biennium. The broker informed the Division investigator that the broker did not possess any CE certificates for the 2014-2016 biennium, and that the broker had paid for the courses but never completed them.
Violated: Wis. Admin. Code § REEB 25.065(1) by failing to satisfy the CE requirements for the 2014-2016 biennium.
Discipline: Broker agreed by stipulation within 60 days to successfully complete 18 hours of CE, in accordance with the requirements specified in Wis. Admin. Code § REEB 25.065, and within 90 days to pay one-half of the costs in the amount of $365.00.

* This information includes disciplinary actions from December 11, 2018 to December 22, 2019.

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.

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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.

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