

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

FINDINGS OF FACT

1. Joan M. Arnone. ("Arnone"), 710 Crabtree Lane. Racine. WI 53406. is a real estate broker having state of Wisconsin License #23383, which license was originally granted to Arnone on February 29, 1980. Arnone currently is employed as a real estate broker for N. Christiansen & Son Real Estate, Inc., said employment commencing on or about October 17, 1983.
2. John P. Crimmings, ("Crimmings"), 3025 Chatham St. Racine, WI 53402 is a real estate broker having state of Wisconsin License #16217, which license was originally granted to Crimmings on March 14, 1977. CRIMMINGS currently is employed as the Vice President of N. Christensen & Son Real Estate, Inc. and is the supervising real estate broker for Arnone., said employment commencing on or about January 1, 1991.
3. On or about June 17, 1995, Arnone began showing buyers, Timothy and Jill Jones, several houses; the buyers signed the notice to clients and customers disclosure form.
4. On or about June 17, 1995, Camelot Homes, Inc. had a model home located at 5748 French Lane, Racine, WI listed for sale.
5. On or about June 27, 1995, Arnone consulted with Crimmings regarding writing offers to purchase for Jones on selected homes; Crimmings recommended language modeled from the Multiple Counter offer form be inserted into each offer.
6. During the course of that listing, Arnone submitted an offer to purchase through Thomas G. DuCharme, president of Camelot Homes, Inc., said offer dated June 27, 1995. This offer was drafted by Joan Arnone, real estate salesperson employed by N. Christensen and Son Real Estate, Inc.
7. On or about June 27, 1995, Joan Arnone drafted five offers to purchase on behalf of the buyers. All five offers contained the verbiage under additional provisions: "Acceptance of this offer to purchase by Seller shall not become binding upon Buyer until the agreement is confirmed by Buyer on a separate Amendment to the Contract under the Notice section. Said notice shall be given to Seller within 24-hours of Seller's Acceptance, or this offer will be null and void." This offer was not accepted by Tom Ducharme for Camelot Homes, Inc.
8. On or about June 28, 1995, Mr. Ducharme spoke with Ms. Arnone and outlined terms of a counteroffer which he requested be written by Ms. Arnone.
9. On or about June 28, 1995, Joan Arnone verbally gave the buyers the counteroffer.
10. On or about June 29, 1995, the buyers agreed to buy another home.

CONCLUSIONS OF LAW

1 The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondents Joan Arnone and John Crimmings have violated:

Section RL 24.025, Wisconsin Administrative Code and section 452.133(2)(a) of the Wisconsin Statutes by failing to treat all parties in a transaction fairly and by failing to place the client's interest ahead of the interest of any other party and,

Section RL 24.08, Wisconsin Administrative Code by failing to reduce all contracts to writing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Joan M. Arnone, real estate broker license No. 23383 be given a **PRIVATE LETTER OF WARNING**.

IT IS FURTHER ORDERED, that John P. CRIMMINGS, real estate broker license No. 16217 be given a **PRIVATE LETTER OF WARNING**.

IT IS FURTHER ORDERED, that file 95 REB 222 be, and hereby is closed.

Dated this 27 day of March, 1997

WISCONSIN REAL ESTATE BOARD

By: Beechie O. Brooks

I:\222FNOR.DOC

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOAN M. ARNONE	:	95 REB 222
and	:	
JOHN P. CRIMMINGS	:	
RESPONDENTSS.	:	

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file 95 REB 222. JOAN M. ARNONE ("Respondents") and JOHN P. CRIMMINGS ("Respondents") consent to the resolution of this matter by this Stipulation and the attached Final Decision and Order.
2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondents have had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.
4. Respondents voluntarily and knowingly waive the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.
5. With respect to the attached Final Decision and Order, Respondents neither admit nor deny the facts as set forth in the Findings of Fact, however, Respondents agree that the Board may make the Findings of Fact and may reach the Conclusions set forth in the Conclusions of Law and may enter the Order attached thereto.
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement 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.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 28, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)