

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARY E. SCHAEFER : 91 REB 311
RESPONDENT :

LS970522 REB

The parties to this action for the purpose of Wisconsin Statutes Sec. 227.53 are:

Mary E. Schaefer
3353 S. Sunnyslope Rd #306
New Berlin, WI 53151

Wisconsin Real Estate Board
PO Box 8935
Madison WI 53708-8935

Wisconsin Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison WI 53708-8935

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 Board ("Board"). The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mary E. Schaefer, ("Schaefer") 3353 S. Sunnyslope Rd., #306, New Berlin, WI 53151 is a real estate broker having state of Wisconsin license #31680, which license was originally granted to Schaefer on March 28, 1984. Schaefer was employed by New Berlin Realty, Inc. Elmer Sommers, an owner of New Berlin Realty, Inc., built homes; Schaefer was the broker and sold the lots in the subdivisions developed by Mr. Sommers.

2. In an agreement between Elmer Sommers and Mary Schaefer, it was agreed that Schaefer would have the exclusive listing contract for Sommerset Gardens. Elmer Sommers executed blank listing contracts on behalf of Sommers.

3. On or about December 5, 1989, a listing contract for Sommers property was prepared by Schaefer. Schaefer admitted in a deposition taken on August 22, 1991, that she signed the name of Elmer Sommers to the listing contract.

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. Respondent Mary E. Schaefer has violated Sec. 452.14(3)(k) of the Wisconsin Statutes by being guilty of conduct which constitutes improper, fraudulent or dishonest dealing, thereby failing to protect the public against fraud, misrepresentation and unethical practices by a licensed real estate broker.

ORDER

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

IT IS FURTHER ORDERED, that Mary E. Schaefer, real estate broker license #31680 is REPRIMANDED.

IT IS FURTHER ORDERED, that Mary E. Schaefer, within six months of the date of this order, successfully complete the following course modules from the real estate brokers course at an educational institution approved by the Department of Regulation and Licensing:

- a. The 4 hour Business ethics real estate practice module RL 25.02(2)(g) and,
- b. The 5 hour Consumer Protection module RL 25.02(2)(h)

and submit proof of the same in the form of verification from the institution providing education to the Real Estate Board, PO Box 8935, Madison, Wisconsin 53708-8935. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or maybe instituted by the board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Mary E. Schaefer fails to comply with the required education as set forth above, or fails to verify the same to the Department of Regulation and Licensing as set forth above, then her real estate brokers license shall be suspended, without further notice, hearing or order of the board until she has completed the terms of this order.

IT IS FURTHER ORDERED, that Respondent Mary E. Schaefer pay partial costs of this matter in the amount of \$300.00 within one year of the date of this order by making payment of the

same to the Department of Regulation and Licensing, PO Box 8935, Madison, Wisconsin 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Mary E. Schaefer fails to pay the \$300.00 cost within the time and manner that is set forth above, then in that event, and without further notice to the Respondent Mary E. Schaefer, her real estate broker's license shall be immediately be suspended without further hearing and without further order of the Board, and said suspension shall continue until the full amount of said cost had been paid to the Department of Regulation and Licensing and her failure to pay the cost shall be considered a violation of this order by the Board.

IT IS FURTHER ORDERED that file #91 REB 311 be, and is hereby is closed.

Dated this 22nd day of May, 1997.

WISCONSIN REAL ESTATE BOARD

By: James R. Donahoff, Jr
see B. J.

AJ:deh
RAENFORCE\CLG2210.DOC

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARY E. SCHAEFER,	:	91 REB 4311
RESPONDENT.	:	

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 91 REB 311. MARY E. SCHAEFER ("Respondent") consents to the resolution of this matter by this Stipulation and the attached Final Decision and Order.
2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent has had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.
4. Respondent voluntarily and knowingly waives 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, Respondent neither admits nor denies the facts as set forth in the Findings of Fact, however, Respondent agrees 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 hereto.
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.

7. If the Board accepts the terms of this Stipulation, 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.

8. Respondent agrees that Complainant's attorney, Charles J. Howden, may appear at any meeting of the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondent waives any right she may have to have notice of that meeting and to be present at the meeting of the Board.

9. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Mary E. Schaefer
MARY E. SCHAEFER, Respondent

5/1/97
Date

Charles J. Howden
CHARLES J. HOWDEN, Attorney
Division of Enforcement

5/6/97
Date

IAIREB311S DOC

Department of Regulation & Licensing

State of Wisconsin

P O Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On May 22, 1997, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$300.00 Case #: LS9705224REB

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 300.00

The costs and/or forfeitures are due: May 22, 1998

NAME: Mary E. Schaefer LICENSE NUMBER: 31680

STREET ADDRESS: 3353 S. Sunnyslope Road #306

CITY: New Berlin STATE: WI ZIP CODE: 53151

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G\BDLS\FM2145.DOC

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Mary E. Schaefer,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On May 23, 1997, I served the Final Decision and Order dated May 22, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9705224REB, upon the Respondent Mary E. Schaefer by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 537.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Mary E. Schaefer
3353 S. Sunnyslope Road #306
New Berlin WI 53151



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 23rd day of May, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

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:

May 23, 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.)