

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

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
 :
 :
MARGUERITA MCCLAIN : FINAL DECISION
 AND ORDER
LS05041413REB

Division of Enforcement Case File #: **03 REB 263**

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

Marguerita McClain
4112 N. 13th Street
Milwaukee, WI 53209

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. 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 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

1. Marguerita McClain (“Respondent”) is licensed as a real estate broker in the State of Wisconsin having license # 090 0. Respondent’s license was granted on 10/16/81.
2. Respondent’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 4112 N. Street; Milwaukee, WI 53209.
3. On or about September 21, 2003, a complaint was sent to the Department alleging that the Respondent gave her clients Complainants’ lock box combination and allowed the clients unescorted access into the Complainants’ home.
4. On or about February 18, 2004, Respondent admitted in correspondence addressed to the Department that she did give lock box combination to the clients in order to access the Complainants’ home.
5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5)
3. Respondent Marguerita McClain has violated:
 - a. Wisconsin Stat. §§ 452.133 (b) and 452.14(3) by providing clients a lock box combination without the owner’s consent.

ORDER

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

IT IS FURTHERED ORDERED, that Respondent’s real estate broker’s license (#090-026246) is hereby **REPRIMANDED**

IT IS FURTHER ORDERED, that Respondent shall pay to the Department of Regulation and Licensing costs in the amount of **NINE HUNDRED DOLLARS (\$900.00)**.

IT IS FURTHER ORDERED, that a down payment of **FOUR HUNDRED FIFTY DOLLARS (\$450.00)** shall be submitted within (30) days from the date of this order and another payment of **FOUR HUNDRED FIFTY DOLLARS (\$450.00)** will be due within sixty (60) days from the date of this order until the full **NINE HUNDRED DOLLARS (\$900.00)** is paid. Payments shall be made by **certified check or money order** payable to the Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor
Division of Enforcement
Department of Regulation and Licensing
PO Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264.**

IT IS FURTHER ORDERED, that in the event Marguerita McClain fails to timely submit payment of the forfeiture and partial costs set forth above, Marguerita McClain's Real Estate Broker's License # 090-026246 **SHALL BE SUSPENDED**, without further hearing without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 03 REB 263 be, and hereby is, closed as to Marguerita McClain.

Dated this 14th day of April, 2005.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger
A member of the Board