

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
HEATHER M. HALLER, : LS0808208REB
RESPONDENT. :

Division of Enforcement case file 07 REB 036

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Heather M. Haller
7617 28th Avenue
Kenosha, WI 53143

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

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Wisconsin Real Estate Board ("Board"). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Heather M. Haller is licensed in the State of Wisconsin as a Real Estate Salesperson having license # 94-62437 granted on January 14, 2005. Ms. Haller's most recent address on file with the Department of Regulation and Licensing ("Department") is 7617 28th Avenue, Kenosha, WI 53143.

2. On July 11, 2006, Frank Oliva made an offer to purchase a home at 420 Fair Oaks in Williams Bay, Wisconsin, through Heather Haller at Shorewest Realty. The builder and seller of the home was Robert Maerzke. The offer was accepted on July 13, 2006 with an agreed-upon sales price of \$280,000.

3. Line 1 of the offer to purchase dated July 11, 2006, does not indicate for whom the broker is an agent.

4. The home on the property had been completed in August of 2004 but no occupancy permit had been issued prior to July of 2006, and the property's assessment had not increased from 2004 to the date of sale.

5. The assessed value of the property in 2005 was \$155,600, and a letter dated August 2, 2006 from the Village of Williams Bay to Landmark Title Company shows that based on that value taxes for 2005 were \$2,239.88.

6. No provision was made in the original offer for a proration of the 2006 taxes, but Ms. Haller prepared an Amendment to the offer, signed by both parties on July 18, 2006, that the 2006 taxes were to be calculated and prorated on the basis of 105% of the 2005 tax.

7. The builder/seller received a notice of an increased assessment on the property dated July 17, 2006 showing

that the assessed value would be \$321,700, an increase of \$166,100, over 100%.

8. No further change was made to the basis for the prorated 2006 taxes, and the parties closed on the home on August 15, 2006. Taxes for 2006 were prorated as of the date of closing based on 105% of the 2005 tax.

9. When Mr. Oliva received the tax bill for 2006, it was \$4,650, an increase of over 100% from 2005.

10. Ms. Haller did not include a provision for recalculating the closing costs after receiving the 2006 assessment or some other mechanism for prorating the actual 2006 taxes.

11. By agreeing to resolve this matter by the issuance of this Final Decision and Order, Ms. Haller does not agree or admit that she violated any rules regarding the practice of real estate.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Respondent Heather M. Haller is subject to discipline for the following violations:

a. Wis. Stats. sec. 452.133 (1) and Wis. Adm. Code sec. RL 24.025 (1) by failing to represent the interests of their client as an agent.

b. Wis. Stats. sec. 452.14 (3) (i) and Wis. Adm. Code sec. RL 24.03 (2) by failing to provide competent services.

ORDER

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

IT IS FURTHER ORDERED that Heather M. Haller is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Heather M. Haller pay the Department's costs of this matter in the amount of \$ **\$595.62** within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 261-7904.

In the event Ms. Haller fails to pay the costs within the time and in the manner as set forth above, her Real Estate Salesperson's license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 07 REB 036 be closed.

Dated this 20th day of August, 2008.

WISCONSIN REAL ESTATE BOARD

By Peter A. Sveum
A member of the Board