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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD
IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

DONNA M. BROWN,
LYNDA P. PARFITT , and
PAPER VALLEY CONSULTANTS,
INC.,
RESPONDENTS.

FINAL DECISION AND ORDER
LS0003234REB

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

Donna M. Brown
1418 Home Avenue
Menasha, WI 54952

Lynda P. Parfitt
1755 Southland Avenue
Oshkosh, WI 54901

Paper Valley Consultants, Inc.
250 North Koeller Street
Oshkosh, WI 54901

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. Donna M. Brown ("Brown"), date of birth 09/20/1942, is licensed in the State of Wisconsin as a real estate broker having license # 90-9542. This license was first granted to her on 02/04/1972.
2. Brown's most recent address on file with the Department of Regulation and Licensing is 1418 Home Avenue, Menasha, WI 54952.
3. At all times relevant hereto, Brown was employed as a real estate broker with Paper Valley Consultants, Inc. ("Consultants"), d/b/a HomeOwners Concept of Oshkosh, Wisconsin.
4. Consultants is licensed as a real estate corporation having State of Wisconsin license #91-834037. This license was first granted to it on 12/13/1990. Consultant's most recent address on file with the Department of Regulation and Licensing is 250 North Koeller Street, Oshkosh, WI 54901.
5. Lynda P. Parfitt ("Parfitt"), date of birth 07/19/1939, is licensed in the State of Wisconsin as a real estate broker having license #90-38921. This license was first granted to her on 10/21/1986.
6. Parfitt's most recent address on file with the Department of Regulation and Licensing is 1755 Southland Avenue, Oshkosh, WI 54901.
7. At all times material hereto, Parfitt was the president of Consultants.
8. At all times material hereto, Parfitt was the supervising broker of Brown.
9. On or about November 28, 1997, Brown, on behalf of Consultants, obtained a WB-1 RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL for the marketing of a residence owned by Amy R. Harpstead and Karl M. Harpstead and located at 405 North Madison, Chilton, Wisconsin. This residential property is referred to hereafter as the "property". The listing price was \$84,900.00.
10. At the time of the listing, the property was being purchased by the Harpsteads under a ten-year installment Land Contract with the Harpsteads as Purchaser and Eugene L. Brantmeier and Eileen Brantmeier as Vendor. A copy of this Land Contract is attached hereto as **Exhibit A** and hereby made a part of this document.
11. The terms of the Land Contract state, in part, that "there may be no prepayment of principal without permission of Vendor." The due date of the contract is July 1, 2004.
12. The terms of the Land contract also state, in part, that: "Purchaser shall not transfer, sell or convey any legal or equitable interest in the Property ... without the prior written consent of Vendor unless either the outstanding balance payable under this Contract is first paid in full...."
13. At or about the time the listing contract was signed by the Harpsteads, they gave a copy of the Land Contract to Brown and Brown indicated to the Harpsteads that the Land Contract presented no problem in selling the property.
14. The listing contract drafted by Brown stated nothing regarding the Brantmeier-Harpstead Land Contract or the need to obtain permission from the Brantmeier's for prepayment of the principal owed under the Land Contract.
15. On or about January 19, 1998, Brown drafted a WB-1 I RESIDENTIAL OFFER TO PURCHASE for the signature of potential buyers Eugene J. Sinner and Margaret M. Sinner, wherein the Sinners offered to purchase the property. This offer was accepted by the Harpsteads. The agreed purchase price was \$80,000.00.

16. The terms of the accepted offer require the Harpsteads to convey title of the property by Warranty Deed at closing. No provision is set forth in the contract for conditioning the transaction upon first receiving approval of the Land Contract Vendors.
17. Subsequent to acceptance of the offer, the Harpsteads were informed by the Brantmeiers that acceptance of prepayment of the Land Contract balance would be conditioned upon payment of a penalty of \$3,184.00. The Harpsteads, who had moved to Stevens Point, elected to pay this penalty rather than allow the sale to the Sinners to fail.
18. At no time prior to acceptance of the offer by the Harpsteads did Brown make inquiry of the Brantmeiers regarding obtaining approval of the sale and prepayment of the Land Contract so that the Harpsteads could be reasonably informed of this condition affecting the transaction.
19. Consultants and Parfitt were the subject of disciplinary action in Case 96 REB 153.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14, Wis. Stats.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to section 227.44(5), Wis. Stats.
3. Respondent Donna M. Brown has violated:
 - a. Section 452.14(3)(i) of the Wisconsin Statutes and sections RL 24.03(2)(a) and 24.03(2)(c) of the Wisconsin Administrative Code by providing services which she is not competent to provide, and by failing to be knowledgeable regarding laws, public policies and current market conditions on real estate matters and failing to assist, guide and advise the buyer based upon these factors.
 - b. Sections 452.133(l)(b) and 452.14(3)(L) of the Wisconsin Statutes by failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in the above described transaction.
4. Respondent Lynda P. Parfitt has violated:
 - a. Section 452.14(3)(i) of the Wisconsin Statutes and section RL 17.08(1) of the Wisconsin Administrative Code by failing in her responsibility to supervise the brokerage services provided by Brown to members of the public.
5. Respondent Paper Valley Consultants, Inc., is subject to discipline pursuant to sections 452.12(3) and 452.14(3)(i) of the Wisconsin Statutes.

ORDER

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

IT IS FURTHER ORDERED, that the real estate license of Respondent **Donna M. Brown**, license #90-9542, within twelve (12) months of the date of this Order, successfully complete the following course modules from the real estate broker prelicensing course at an educational institution approved by the Department of Regulation and Licensing:

- a. The Contracts module RL 25.02(2)(a),

b. The Approved Forms module RL 25.02(2)(b), and

c. The Specialty Areas module RL 25.02(2)(i)

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935. None of

the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent Donna M. Brown fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Donna M. Brown, her real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that Respondent **Donna M. Brown** pay partial costs of \$150.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Donna M. Brown fails to pay the \$150.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Donna M. Brown, her real estate license shall be suspended 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 and her failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that the Respondent **Lynda P. Parfitt**, license # 90-38921, is **Reprimanded**.

IT IS FURTHER ORDERED, that the real estate license of Respondent Lynda P. **Parfitt**, license # 90-38921, within twelve (12) months of the date of this Order, successfully complete the following course modules from the real estate broker prelicensing course at an educational institution approved by the Department of Regulation and Licensing:

a. The Personnel module RL 25.02(2)(f),

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

IT IS FURTHER ORDERED, that in the event Respondent Lynda P. Parfitt fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Lynda P. Parfitt, her real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that Respondent **Lynda P. Parfitt** pay partial costs of \$150.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent Lynda P. Parfitt fails to pay the \$150.00 costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Lynda P. Parfitt, her real estate license shall be suspended 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 and her failure to pay the costs shall be

considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Paper Valley Consultants, Inc.**, real estate entity license # 91-834037 is **Reprimanded**.

IT IS FURTHER ORDERED, that investigative file 98 REB 078 be, and hereby is, closed.

Dated this 24th day of March, 2000.

WISCONSIN REAL ESTATE BOARD

By: Richard E. Hinsman

A member of the Board

Attachment: Exhibit A