

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
PATRICK J. CONNORS & : **01 REB 132**
JOYCE B. MAZZONI, :
RESPONDENTS. : **LS0303261REB**

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

Patrick J. Connors
PO Box 318
Mauston, WI 53948

Joyce B. Mazzoni
W5381 Collie Dr.
New Lisbon, WI 53950

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. **Patrick J. Connors** ("Connors"), date of birth 05/12/52, is licensed as a real estate broker having license # 90-31507. This license was first granted to him on 04/05/82. Connors most recent address on file with the Department of Regulation and Licensing is PO Box 318, Mauston, WI 53948. Connors does business under the trade name of "Castle Rock Realty".
2. **Joyce B. Mazzoni** ("Mazzoni"), date of birth 11/26/44, is licensed as a real estate salesperson having license # 94-44241. This license was first granted to her on November 21, 1995. Mazzoni's most recent address on file with the Department of Regulation and Licensing is W5381 Collie Dr., New Lisbon, WI 53950.
3. At all times relevant hereto Mazzoni was employed by Connors as a salesperson as that term is used in Chapter 452 in the Wisconsin Statutes.
4. On or about August 10, 2000, Mazzoni and Connors, on behalf of Castle Rock Realty, entered into a WB-1 RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL with Daniel M. Lange for the marketing of a residential single family home owned by Lange. This property was described therein as 620 CTY. RD. N in the village of Lyndon Station, County of Juneau, Wisconsin. A copy of the WB-1 RESIDENTIAL LISTING CONTRACT-EXCLUSIVE RIGHT TO SELL is attached as **Exhibit 1** and is incorporated herein by reference.
5. On or about February 12, 2001, Lange entered into an agreement to sell a portion of the listed property to buyers Lawrence J. Skilondz and Shawn L. Skilondz. A copy of the WB-11 RESIDENTIAL OFFER TO PURCHASE with the accepted Counter Offer is attached as **Exhibit 2** and is incorporated herein by reference.
6. In preparation for the closing of this transaction, Mazzoni ordered a title insurance commitment from Juneau County Title Company. On February 16, 2001 the title insurance commitment was sent to:

Castle Rock Realty
Atten: Joyce Mazzoni
104 W. State Street
Mauston, WI 53948

A copy of the title insurance commitment is attached as **Exhibit 3** and is incorporated herein by reference.

7. This commitment disclosed that Darrell L. Larson and Patricia J. Larson (herein after called Larson) held a Right of First Refusal in the property. A copy of the Right of First Refusal dated April 2, 1996, is attached as **Exhibit 4** and is incorporated herein by reference.
8. Mazzoni and Connors were not made aware of the Right of First Refusal by Lange prior to receiving the title commitment. However, they failed to disclose the Larson Right of First Refusal in writing and in a timely manner directly to the Skilondzs once they did become aware of the Right of First Refusal.

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 **Patrick J. Connors** has violated:
 - a. Section 452.12(3) of the Wisconsin Statutes by failing to appropriately supervise the real estate activities of Joyce B. Mazzoni, a real estate salesperson under his supervision.
4. Respondent **Joyce B. Mazzoni** has violated:
 - a. Sections RL 24.07(3) and RL 24.12(2) of the Wisconsin Administrative Code and section 452.133(1)(c) of the Wisconsin Statutes by failing to disclose a material adverse fact to the buyers in writing and in a timely manner.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Patrick J. Connors**, license # 90-31507, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Joyce B. Mazzoni**, license # 94-44241, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Joyce B. Mazzoni**, within six months of the date of this Order, successfully complete the following course module from the 72 hour pre-licensing real estate salesperson's courses at an educational institution approved by the Department of Regulation and Licensing:

- a. The Business Ethics module-section RL 25.03(3)(m), of the Wisconsin Administration Code.

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 **Joyce B. Mazzoni** 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 **Joyce B. Mazzoni**, 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 **Patrick J. Connors**, pay **PARTIAL COSTS** in this matter in the amount of **\$1500.00**, 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: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing , PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event Respondent **Patrick J. Connors** fails to pay the \$1500.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Patrick J. Connors**, his 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 partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that Respondent **Joyce B. Mazzoni**, pay **PARTIAL COSTS** in this matter in the amount of **\$1500.00**, 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: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event Respondent **Joyce B. Mazzoni** fails to pay the \$1500.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Joyce B. Mazzoni**, 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 partial costs have been paid to the Department of Regulation and Licensing and her failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 01 REB 132 be, and hereby is, closed.

Dated this 26th day of June, 2003.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger

A member of the Board