

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/wscca>.
- 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	:	
	:	FINAL DECISION AND ORDER
NATASHA B. DUVALL	:	
	:	LS# 0506232REB
RESPONDENT.	:	

Division of Enforcement Case No. 04 REB 226

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

Natasha B. Duvall
6883 North Elm Tree Road
Glendale, WI 53217

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Real Estate Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Respondent’s attorney is:

Carol E. Krigbaum
Krigbaum and Napierala L.L.C.
227 East Fairmount Avenue
Whitefish Bay, WI 53217

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Real Estate Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Natasha B. Duvall ("Respondent") (DOB 10/21/1966) is duly licensed as a Real Estate Salesperson in the state of Wisconsin (94-32619). The license was first granted on 02/15/1990. The license expires on 12/31/2006.
2. Respondent's most recent address on file with the Wisconsin Real Estate Board is 6883 North Elm Tree Road, Glendale Wisconsin 53217.
3. Respondent represented the seller of a property located at 5650 W. Wahner, Ave. in Brown Deer Wisconsin ("the property"). An offer to purchase the property was accepted on or about April 18, 2004. The sale price per the offer to purchase was \$62,500.
4. The accepted offer to purchase included an appraisal contingency. The property was appraised at \$62,000.
5. The seller refused to lower the purchase price. Instead, the seller proposed that the purchase price on the offer to purchase be amended to \$62,000, but that there also be a side agreement for the buyer to pay the seller an additional \$500. The buyer verbally told the Respondent that she agreed to this proposal. In order to facilitate the side agreement, Respondent delivered a mortgage lien form to the seller and helped her "fill in the blanks," but refused to participate further in the effectuation of the side agreement. After that discussion on or about May 6, 2004, Respondent had no further discussion with seller or buyer as to the side agreement. The transaction closed on June 11, 2004. Seller did not attend closing, nor did seller provide Respondent with a copy of the side agreement to have it signed at closing, nor did seller make any request of Respondent with regard to the side agreement in connection with closing.
6. The side agreement was not reflected in the closing documents, or in any other documents to the transaction.
7. Respondent did not inform the secured lender, North Shore Bank, that there was a side agreement.
8. Subsequently, the buyer refused to pay the seller the additional \$500, because the buyer did not sign the mortgage lien form described in paragraph 5, above.
9. Per Wis. Admin. Code § RL 24.07(4), "A licensee, when engaging in real estate practice, who becomes aware of the fact that a party to a transaction has not disclosed that party's entire agreement regarding the transaction to the party's secured lender, shall disclose this fact, in writing and in a timely manner, to the party's secured lender."
10. Per Wis. Admin. Code § RL 24.08, "A licensee shall put in writing all... financial obligations and any other commitments regarding transactions, unless the writing is completed by the parties..."
11. Per Wis. Stat. § 452.14(3)(i), a licensee is subject to discipline if he or she has, "Demonstrated incompetency to act as a... salesperson... in a manner which safeguards the interests of the public."

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.
2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).
3. Natasha B. Duvall, by failing to inform the secured lender of the side agreement, as described in paragraphs 5-7 of the Findings of Fact, above, violated Wis. Admin. Code § RL 24.074), and thereby violated Wis. Stat. § 452.14(3)(i).
4. Natasha B. Duvall, by failing to reduce a financial obligation of the parties to writing, or ensuring that the parties did so themselves, as described in paragraph 5 of the Findings of Fact, above, violated Wis. Admin. Code § RL 24.08, and thereby violated Wis. Stat. § 452.14(3)(i).

MITIGATING FACTOR

1. Natasha B. Duvall has been direct and honest in her communications with the Department of Regulation and Licensing, Division of Enforcement, regarding this matter, which has greatly reduced the costs assessed in this matter.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of NATASHA B. DUVALL to practice as a real estate salesperson in the State of Wisconsin and shall be, and hereby is, SUSPENDED for a period of twenty-eight (28) days, said suspension to be served August 9, 2005, through and including September 6, 2005.
2. NATASHA B. DUVALL shall pay the costs of the Division of Enforcement in investigating this matter in the amount of \$300.00, within thirty (30) days of the signing of this order.
3. NATASHA B. DUVALL shall submit proof of the successful completion of eight (8) hours of education within ninety (90) days of the signing of this order, the subjects of which shall include ethics and contract drafting, and which shall not be eligible for submission in fulfillment of Respondent's continuing education requirements.
4. All payments, proof of education or other submissions required by or arising out of this Order shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payments as set forth above (if any), or fails to timely submit proof of completion of education as set forth above (if any), then Respondent's license (94-32619) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order, and with the suspension called for in this Order not to begin until the other terms of the Order have been complied with.
6. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Richard Kollmansberger
A Member of the Board

June 23, 2005
Date