

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**
THERESA BOURDON, :
RESPONDENT. : **LS0608241REB**

Division of Enforcement Case File # 04 REB 284

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

Theresa Bourdon
S4500 Co. Rd. NL
Augusta, WI 54722

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. **Theresa Bourdon**, date of birth 02/12/66, is a licensed real estate salesperson in the State of Wisconsin, license # 94-56749, which was first granted on 04/24/03. Ms. Bourdon's most recent address on file with the Department of Regulation and Licensing is S4500 Co. Rd. NL, Augusta, WI 54722.

2. At all times relevant to the facts set forth below, Ms. Bourdon was working as a real estate agent for Home Buyers Realty Corp. branch office, located at E20655 Co. Rd. ND, Augusta WI.

3. On or about September 8, 2004, Ms. Bourdon, on behalf of Home Buyers Realty Corp. drafted a WB-36 BUYER AGENCY/TENANT REPRESENTATION AGREEMENT for the signature of buyers Quentin and RayeAnn Ball. The Buyer Agency Representation Agreement created a principal-agent relationship between the Balls and Home Buyers Realty Corp. wherein Home Buyers Realty Corp. agreed to act as the exclusive buyer's agent for the Balls.

4. On or about September 10, 2004, Ms. Bourdon showed the Balls residential property owned by Todd and Bobbie Kuehl and listed for sale with Sunrise Real Estate Inc. in Neillsville, Wisconsin. The property was not occupied at the time of the listing. In preparation for this showing, Ms. Bourdon contacted Darcy Welsh, a sales agent with the Sunrise Real Estate office. Ms. Bourdon did not disclose to Ms. Welsh that she was acting as a buyer's agent on behalf of the Balls.

5. On or about October 8, 2004, Ms. Bourdon drafted, for the signature of the Balls, a WB-11 RESIDENTIAL OFFER TO PURCHASE wherein the Balls offered to buy the Kuehl property for \$62,000.00.

6. Ms. Bourdon had no experience selling rural property and she was unfamiliar with Addendum B to the Offer to Purchase which ensures inspection of wells, water and sanitary systems by a qualified person such as: licensed plumber; licensed well driller; licensed engineer; or certified septage servicing operator.

7. Ms. Bourdon mistakenly believed the mortgage company was responsible for water and sewage inspection.

CONCLUSIONS OF LAW

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

2. Respondent Theresa Bourdon, License # 94-56749, has violated:

a) Wis. Admin. Code § RL 24.07(8)(a)(2) and Wis. Stat. § 452.14(3)(i), by her failure to timely disclose the buyer’s agency agreement with the Balls.

b) Wis. Admin. Code § RL 24.03(2)(a) and Wis. Stat. §§ 452.14(3)(i), and 452.14(3)(i), of the Wisconsin Statutes by providing services in areas in which she was not knowledgeable or competent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Theresa Bourdon**, license #94-56749 is hereby, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. **Theresa Bourdon**, within 12 months of the date of this Order, successfully completes the following courses:

a. real estate brokerage class of the salesperson’s course or an equivalent course on real estate brokerage;

b. real estate contracts class of the salesperson’s course or an equivalent course on real estate contracts;

and submit proof of the same in the form of verification from the institution providing the education to the address stated below. 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.

3. **Theresa Bourdon** pays one-half of the **COSTS** in this matter in the amount of \$1,400.00, within 60 days of this order. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. 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 any payment as ordered, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing. If Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

8/24/06