

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF DISCIPLINARY** :  
**PROCEEDINGS AGAINST** :  
 : **FINAL DECISION AND ORDER**  
**ROBERT L. MAYS,** :  
**RESPONDENT.** : **LS0606229REB**

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Division of Enforcement Case File # 04 REB 231

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

Robert L. Mays  
3882 N. Teutonia  
Milwaukee, WI 53206

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. **Robert L. Mays** is a licensed real estate broker in the State of Wisconsin, license # 90-27226, first granted on 02/17/68. Mr. May's most recent address on file with the Department of Regulation and Licensing is 3882 N. Teutonia Ave., Milwaukee WI 53206.

2. At all times relevant to the facts set forth below, Mr. Mays was working as vice president of United Realty Grc Inc., located at 3882 N. Teutonia Ave., Milwaukee WI 53206.

3. On or about September 28, 2004, Mr. Mays entered into a Residential Listing Contract-Exclusive Right To Sell agreement with Willie and Clara Spears for the sale of their home located at 4573 N. 24<sup>th</sup> St., Milwaukee, WI. The list price was \$125,000.00.

4. On or about October 1, 2004, Nancy Prentice, an agent for Prentice Realtors, showed the 24<sup>th</sup> St property to Leon Davis and Sherida Washington.

5. On October 1, 2004, Ms. Prentice drafted a Residential Offer To Purchase for Mr. Davis and Ms. Washington to purchase the 24<sup>th</sup> St. property. The offered price was \$118,000.00.

6. The same day as the offer was written, Ms. Prentice personally delivered Mr. Davis and Ms. Washington's

offer to Mr. Mays.

7. Later that same day, Ms. Prentice was informed that the offer was rejected by the seller. Mr. Mays informed Ms. Prentice that he already had a pre-approved buyer and their offer had been accepted.

8. Mr. Mays was unable to produce a copy of Mr. Davis and Ms. Washington's offer that shows when the offer was presented and when it was rejected by the sellers.

9. Ms. Prentice informed Mr. Davis and Ms. Washington that their offer was rejected and that Mr. Mays already had an accepted offer on the property. Mr. Davis and Ms. Washington's directed Ms. Prentice to draft a secondary offer for \$120,000.00. Ms. Prentice did draft the secondary offer for \$120,000.00 and faxed it to United Realty Group on October 1, 2004.

10. On October 2, 2004, Mr. Mays drafted a Residential Offer To Purchase for Richard Baldwin and Wanda Lewis to purchase the 24<sup>th</sup> St. property. The offered price was \$122,000.00. This offer was accepted on October 2, 2004, and the transaction closed on November 3, 2004.

11. The seller, Willie Spears, stated that he rejected an Offer to Purchase from Leon Davis on October 2, 2004.

#### CONCLUSIONS OF LAW

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

2. Respondent **Robert L. Mays** has violated:

a. Wis. Admin. Code § RL 24.13(2)(b), and Wis. Stat. §§ 452.14(3)(i), and 452.133(1)(a), by failing to promptly submit Mr. Davis and Ms. Washington's offer for \$118,000.00 to the seller;

b. Wis. Admin. Code § RL 24.13(4), and Wis. Stat. §§ 452.14(3)(i), and 452.14(3)(k), by failing to provide a written statement concerning the date and time that Mr. Davis and Ms. Washington's offer was rejected;

c. Wis. Admin. Code § RL 24.03(2)(b), and Wis. Stat. §§ 452.14(3)(i), and 452.14(3)(k), by misrepresenting the fact that there was an accepted offer on October 1, 2004, when the offer wasn't drafted until October 2, 2004;

d. Wis. Admin. Code § RL 15.04, by failing to retain copies of all documents in a transaction and failing to make these documents available to the department.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent **Robert L. Mays**, is hereby **REPRIMANDED**.

2. Respondent shall within 60 days of the date of this Order, pay a **FORFEITURE** in the amount of \$1,000.00.

3. Respondent shall within 60 days of the date of this Order, pay **COSTS** of this proceeding in the amount of \$700.00.

Payment of costs, as well as forfeitures, 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. **Robert L. Mays**, shall within 9 months of the date of this Order, successfully complete 6 hours of real estate broker's courses regarding real estate brokerage and real estate contracts at an educational institution approved by the Department of Regulation and Licensing 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.

5. In the event Respondent fails to timely submit any payment as ordered, or fails to complete education as ordered, such violation may be construed as conduct imperiling public health, safety and welfare and the Respondent's license SHALL BE SUSPENDED without further notice or hearing, and SHALL REMAIN SUSPENDED until Respondent has complied with the terms of this Order. 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.

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

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum  
A Member of the Board

6/22/06  
Date