

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
	:	
JILLIAN J. OLSON,	:	LS0808213REB
	:	
RESPONDENT.	:	

Division of Enforcement Case No. 06 REB 196

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

Jillian J. Olson
601 Mc Hugh Road
P.O. Box 217
Holmen, WI 54636

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

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. Jillian J. Olson ("Olson"), whose date of birth is April 7, 1979, is duly licensed as a Real Estate Salesperson in the state of Wisconsin (94-54086). Ms. Olson's most recent address of record on file with the Department of Regulation and Licensing ("Department") is 601 Mc Hugh Road, P.O. Box 217, Holmen, WI 54636. The license was first granted on January 22, 2002, and is due to expire on December 14, 2008.

2. On January 3, 2006, Ms. Olson, acting as a representative of Re/Max First Choice, entered into a listing agreement with R.J. and P.J. to sell real property located in La Crosse, WI ("Parcel B").

3. At the time of the listing R.J. and P.J. specifically told Ms. Olson that the property to be sold would not include a 12' strip of land ("Parcel A") between the listed property and property that R.J. and P.J. were retaining. Ms. Olson generally described the listing property by its street address in the listing agreement, the Multiple Listing Service publication, and other documents. No mention was made in these documents to the seller's retaining Parcel A. At no point prior to closing did Ms. Olson identify this issue, or take any steps to ensure that the seller's desire to not sell Parcel A was complied with.

4. In preparation for closing title insurance documents and deed documents were prepared. These documents both clearly called for the transfer of Parcel B and Parcel A to the buyers, contrary to the seller's intent. Ms. Olson did not note this issue prior to closing.

5. After closing a dispute arose between the buyers and the sellers regarding Parcel A. The dispute has matured into a civil dispute between the parties, and involving other persons. One of the issues in dispute is the transfer of Parcel A from the sellers to the buyers.

6. Per Wis. Admin. Code § RL 24.01(3), "If a licensee violates rules in this chapter, the licensee has demonstrated incompetency to act as a... salesperson... in such a manner as to safeguard the interests of the public under s. 452.14(3)(i), Stats. However, the term "incompetency" is not limited in its meaning to violations of this chapter."

7. 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. § 458.26.

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. By failing to properly identify the real property to be sold, and by failing to take reasonable steps to ensure that only the real property which the sellers intended to sell was sold, as set forth above in paragraphs 2-5 of the Findings of Fact, Ms. Olson has demonstrated incompetency to practice as a real estate salesperson in a manner which safeguards the interest of the public, thereby subjecting herself to discipline per Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of **Jillian J. Olson** to practice as a Real Estate Broker in the State of Wisconsin (# 94-54086) shall be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED THAT:

2. Respondent shall pay the costs of the Division of Enforcement in investigating this matter, in the amount of \$500.00 within ninety (90) days of the date of signing of this Order.
3. Respondent shall complete no less than fifteen (15) hours of continuing education, the subjects of which shall include

the topics of contracts and surveys. Proof of successful completion of continuing education required by this paragraph shall be submitted within ninety (90) days of the date of signing of this Order.

4. All payments and submissions required by 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) 261-7904

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 (#94-54086). 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 set forth above (if any), or fails to timely submit proof of completion of education as set forth above, the Respondent's license (#94-54086) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
6. Case Number 06 REB 196 is hereby closed as to all respondents.
7. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

8/21/08
Date

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
JILLIAN J. OLSON,	:	
	:	LS# _____
	:	
RESPONDENT.	:	

Division of Enforcement Case No. 06 REB 196

It is hereby stipulated between Jillian J. Olson, Respondent; and Mark A. Herman, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (Case No. 06 REB 196). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided with the opportunity to seek legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board’s final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

JILLIAN J. OLSON, Respondent

601 Mc Hugh Road

P.O. Box 217

Holmen, WI 54636

Date

Mark A. Herman, Attorney

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

Date