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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
JANIS J. ELMER, : LS08120417REB
RESPONDENT :

Division of Enforcement Case File # 04 REB 306

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

Janis J. Elmer
3691 T-Bird Way
Cottage Grove, WI 53527

Real Estate Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
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 disposition of this matter, subject to the approval of the Real Estate Board (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. Respondent Janis J. Elmer is licensed in the State of Wisconsin as a Real Estate Salesperson, license # 94-53845. This license was first granted to her on 11/09/2001 and is current through 12/14/2008. The most recent address on file with the Department of Regulation and Licensing for Ms. Elmer is 3691 T-Bird Way, Cottage Grove, WI 53527.
2. At all times relevant to this action, Ms. Elmer was the listing agent for Lot 22 of Hawthorne Park Estates located on Lexington Drive in the Village of Oregon, WI.
3. On April 19, 2003, Jessica Dern signed a residential Offer to Purchase for Lot 22 of Hawthorne Park Estates that included a building contract for a 2-story home.
4. At the time the Offer to Purchase was signed, the Declarations and Covenants for Hawthorne Park Estates provided that Lot 22 was designated as a single family lot to be used for a single family residence.
5. On or about September 15, 2003, the developer filed and recorded a Declaration of Condominium that changed Hawthorne Park Estates, including Lot 22, from single family residences to condominiums.

6. At the closing on October 3, 2003, the closing documents signed by Ms. Dern identified the property she was purchasing as a condominium.

7. Respondent Janis J. Elmer did not at any point draft an Amendment to the Offer to Purchase to reflect the parties' agreement and understanding that the property had been changed from a single family residence to a condominium.

CONCLUSIONS OF LAW

1. The Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent Janis J. Elmer has violated Wis. Admin. Code § RL 24.08 by failing to put the parties' entire agreement in writing.

3. As a result, Janis J. Elmer is subject to discipline pursuant to Wis. Admin. Code § RL 24.01(3) and Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Janis J. Elmer (license # 94-53845) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Janis J. Elmer shall pay COSTS in the amount of ONE THOUSAND DOLLARS (\$1,000.00) within 120 days of the date of this Order.

3. 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
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, 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 fail to timely submit any payment as ordered, then the Respondent's license SHALL BE SUSPENDED without further notice or hearing until Respondent has complied with the terms of this Order.

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

IT IS FURTHER ORDERED that file 04 REB 306 is hereby closed.

Dated this 4th day of December, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter A. Sveum, Chair