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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
PAMELA M. BECK AND	:	
SCHYRITA L. WAGNER, AND	:	
HOME TEAM REALTY, LLC,	:	LS-0810031-REB
RESPONDENTS.	:	

Division of Enforcement case file 06 REB 156

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

Pamela Beck
8310 S. 68th Street
Franklin, WI 53132

Schyrita L. Wagner
5618 S. Monaco Place
Hales Corners, WI 53130.

Home Team Realty, LLC
6405 S. Howell Ave.
Oak Creek, WI 53154

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Real Estate Board on October 3, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed 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 adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Pamela M. Beck is licensed in the State of Wisconsin as a Real Estate Broker having license number 90-49149, first granted October 3, 1997.
2. Ms. Beck’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 8310 South 68th Street, Franklin, WI 53132.
3. Schyrita L. Wagner is licensed in the State of Wisconsin as a Real Estate Broker having license number 90-52980, first granted May 12, 2005.

4. Ms. Wagner's most recent address on file with Department is 5618 S. Monaco Place, Hales Corners, WI 53130.
5. Home Team Realty is licensed in the State of Wisconsin as a Real Estate Business Entity having license number 91-700778, first granted October 1, 2003.
6. Home Team Realty's most recent address on file with the Department is 6405 S. Howell St., Oak Creek, WI 53154.
7. Ms. Beck is, and was at the time of the facts herein, the president and responsible supervising broker for Home Team Realty, LLC.
8. Ms. Wagner is, and was at the time of the facts herein, employed by Home Team Realty, LLC.
9. Ms. Beck and Ms. Wagner work professionally as the Pam Beck Team.
10. On August 8, 2005 someone prepared a WB-1 Residential Listing Contract - Exclusive Right to Sell for property at 420 East Lakeview in Oak Creek, Wisconsin owned by Cynthia Jameson and Michael Forkes. The Listing Contract contained the sellers' dated signatures but no broker's signature, and no indication anywhere on the listing contract of the name of the broker or the name and address of the real estate firm. Related information establishes that Pamela Beck was the agent and Home Team Realty, LLC was the firm:
 - The commission was 5 ½ %, or 5% if sold by "PB Team".
 - The seller was to pay an administrative closing fee to "HT Realty" of \$395.
 - MLS information identified the listing agent as Pam Beck.
 - Addendum S was signed by S. Wagner as agent for the PB Team.
11. Failing to create a valid contract with the signatures of both parties is a violation of section RL 24.08, Wis. Admin. Code, which requires that agreements be in writing, as well as section 452.133 (1) (b), Wis. Stats., which requires licensees to exercise reasonable skill and care.
12. On October 3, 2005 real estate licensee Ronald Jakubowski wrote an Offer To Purchase ("OTP") for the East Lakeview property on behalf of Michael Jakubowski. The OTP contained an inspection contingency with notice of deficiencies due within 10 days of acceptance. The offer was countered a number of times and accepted on October 18, 2005. All counters were drafted either by Ron Jakubowski or Schyrita Wagner.
13. An inspection of the East Lakeview Property was performed on October 24, 2005 by Hearth-N-Home Inspection Service. The inspection report said that the roof had a single layer of shingles and there was moss buildup on the northwest part of the roof, but the roof's approximate age was listed as 5-10 years and its condition was listed as satisfactory. The inspection report electrical section noted "handyman" wiring in the junction box with missing or improper connectors in the open box; only one GFCI in the kitchen on the left side of the sink; and an open neutral on a GFCI in the bath. Plumbing elements noted in the inspection report were an unattached pop-up drain cover in the bathroom sink and the water diverter in the tub/shower that would only allow shower function. The inspection report noted the heat exchanger in the furnace was rusty and recommended an HVAC technician examine the furnace. The report noted a cracked basement window.
14. Following the receipt of the inspection report, Ron Jakubowski drafted an amendment on 10-26-05 that said:
Buyer agrees to remove home inspection contingency provided seller performs the following prior to closing:
 - 1.) contract an electrician to safety check entire system but more specifically repair handyman wiring noted in inspection report. repair/replace open neutral on bath GFCI, install GFCI (&) where necessary, repair double taps in main panel.
 - 2.) repair plumbing as follows: repair pop up not attached on one of the sink drains, repair shower diverter, repair/replace kitchen sink sprayer.
 - 3.) contact HVAC professional to clean, service, and safety check furnace. central air cannot be checked at this time of year because of low temperatures.
 - 4.) repair any broken basement windows and supply buyers with screens and storms for basement windows.The sellers signed this amendment on October 27, 2005.

15. On 11-3-05, Schyrita Wagner emailed Ron Jakubowski and said "I've coordinated all contractors for the repairs requested by the buyer"
16. On November 28, 2005 the Beck Team faxed the following message to Ron Jakubowski: "... seller will provide lien waivers and invoices for electric, plumbing and heating/air conditioning work. The plumbing and electrical work to be done on Wed., November 30th. I will fax over the invoices and lien waivers for that work when I receive. I am sending over the lien waiver for the furnace work." In a separate fax on November 28, 2005, the Beck Team sent an invoice from Agile Heating and Air for a safety check and clean of the furnace and said "Here is the lien waiver and invoice for the furnace check."
17. On December 1, 2005 the Beck Team faxed a bill from R J Service for electric repairs along with the following message to Ron Jakubowski: "Here is the invoice and lien waiver and invoice for electrical work. Please make sure this is on the closing statement."
18. On December 2, 2005 the Beck Team faxed a bill from John Sobrado for plumbing repairs along with the following message to Ron Jakubowski: "Please make sure this is on the closing statement. Sorry about the last minute stuff, but Rita just reminded me about this bill."
19. A walkthrough was conducted prior to closing. The basement window had been replaced and the fence straightened. Schyrita Wagner said that the plumber had cut his hand and was unable to complete the repairs but that she would make sure he took care of them. Based on the invoices received and Ms. Wagner's representations, the repair contingencies were removed.
20. The transaction closed on December 2, 2005.
21. Only after the buyers took possession of the house did they notice that the contracted-for electric and plumbing repairs had not been completed, that the invoice for electric work was for different repairs, and that the invoice for plumbing repairs was for different repairs at a different location:
- the bill from R J Service stated "rewired romex below joists, repaired basement outlets, rewired basement lights."
 - the bill from John Sobrado stated "repaired sump pump, repaired drain sink trap kitchen sink", and "work performed month of Aug, 2005" for **720 E. Lakeview Drive.**
22. The Pam Beck team sent the following to the buyers prior to closing, and without which closing would not have occurred:
- an invoice for electrical work that was not what was required under the amendment.
 - an invoice for plumbing work that was not what was required under the amendment and was in fact done months earlier to a different house.
23. Unintentionally substituting documents for work performed that was different from work agreed to in the contract is a violation of section 452.14 (3) (i), Wis. Stats., "demonstrated incompetency to act as a broker, salesperson or time-share salesperson in a manner which safeguards the interests of the public."
24. In resolution of this matter, Ms. Beck agrees to a one-year suspension of the real estate entity license for Home Team Realty, and a one-year suspension of her broker's license contingent upon the issuance of a salesperson's license. She further agrees to apply for a real estate salesperson's license no later than five days after this order is signed.
25. In resolution of this matter, Ms. Wagner agrees to a one-year suspension of broker's license contingent upon the issuance of a salesperson's license. She further agrees to apply for renewal of her expired salesperson's license no later than five days after this order is signed.
26. By agreeing to this Final Decision and Order, Ms. Beck and Ms. Wagner do not admit the alleged facts for purposes of civil liability.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
2. Respondents Pamela M. Beck and Schyrita L. Wagner are subject to discipline under section RL 24.08, Wis. Admin. Code for failing to put a listing contract in writing, and section 452.133 (1) (b) for failing to exercise reasonable skill and care.
3. Respondents Pamela M. Beck and Schyrita L. Wagner are subject to discipline under section 452.14 (3) (i), Wis. Stats. for incompetency to act as a broker, salesperson or time-share salesperson in a manner which safeguards the interests of the public.
4. Respondent Home Team Realty, LLC is subject to discipline for Ms. Beck's and Ms. Wagner's actions under section 452.14 (4) of the Wisconsin Statutes.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that the Real Estate Business Entity license issued to Home Team Realty, LLC is hereby SUSPENDED for a period of one year, effective on the 10th business day after this order is signed.

IT IS FURTHER ORDERED that the Real Estate Broker's license issued to Pamela M. Beck is hereby SUSPENDED for a period of one year. This order shall be effective on the 10th business day after this order is signed, or on the date her application for a salesperson's license is approved by the Department if that date is later.

IT IS FURTHER ORDERED that if Ms. Beck obtains employment as a Real Estate Salesperson she shall report the name, address and telephone number of her broker-employer to the Department Monitor within 5 days:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 267-3817

and that she will similarly report any change of employment within 5 days.

IT IS FURTHER ORDERED that the Real Estate Broker's license issued to Schyrita L. Wagner is hereby SUSPENDED for a period of one year. This order shall be effective on the 10th business day after this order is signed, or on the date her application for a salesperson's license is approved by the Department if that date is later.

IT IS FURTHER ORDERED that if Ms. Wagner obtains employment as a Real Estate Salesperson she shall report the name, address and telephone number of her broker-employer to the Department Monitor within 5 days:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 267-3817

and that she will similarly report any change of employment within 5 days.

IT IS FURTHER ORDERED that Pamela M. Beck and Schyrita L. Wagner pay the Department's costs of this matter in the amount of **\$2,172.18** within 60 days of the date of this Order. Ms. Beck and Ms. Wagner shall be responsible jointly and severally for payment of these costs. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor. In the event Ms. Beck and Ms. Wagner fail to

pay the full costs within the time and in the manner as set forth above, any and all Real Estate licenses issued to both Ms. Beck and Ms. Wagner shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 06 REB 156 be closed.

Dated this 30th day of April, 2009.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Board Chair, or another member of the Board