

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
	:	
LISA M. CARLSEN,	:	LS0904301REB
RESPONDENT.	:	

Division of Enforcement Case Number 06 REB 142

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

Lisa M. Carlsen
Respondent
9121 Waterside Street, Apt. 112
Middleton, WI 53562

Real Estate Board
c/o Department of Regulation and Licensing
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

The Division of Enforcement, Department of Regulation and Licensing (Department), has opened an investigation against Respondent. The parties in this matter agree to the terms and conditions of this Final Decision and Order and the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Lisa M. Carlsen (Carlsen), whose date of birth is February 4, 1969, is licensed to practice as a real estate salesperson (#94-66688) in the State of Wisconsin, which was first granted on March 9, 2006, and which will expire on December 15, 2010. Ms. Carlsen's last address reported to the Department of Regulation and Licensing is 9121 Waterside Street, Apt. 112, Middleton, WI 53562.

2. In 2006 Mr. Carlsen advertised a duplex that she owned as being for sale.

3. The advertisement did not reflect the fact that she was a real estate licensee.

4. Per Wis. Admin. Code § RL 24.01(3), "If a licensee violates the rules in this chapter, the licensee has demonstrated incompetency to act as a... salesperson... in such manner as to safeguard the interests of the public..."

5. Per Wis. Admin. Code § RL 24.04(2)(c), "A licensee may advertise the occasional sale of real estate owned by the licensee... without complying with pars. (a) and (b), provided that the licensee clearly identifies... herself... as a real estate

licensee in the advertisement.”

6. Per Wis. Stat. § 452.14(3), “The board may revoke, suspend or limit any broker’s... license... or reprimand the holder of the license... if it finds that the holder of the license... has: “(i) demonstrated incompetency to act as a broker... in a manner which safeguards the interest of the public...”

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.

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 disclose that she was a licensee in an advertisement for the sale of real estate she personally owned, as set forth above in paragraphs 2 and 3 of the Findings of Fact, Respondent **Lisa M. Carlsen** violated Wis. Admin. Code § RL 24.04(2)(c), thereby subjecting herself to discipline per Wis. Stat. § RL 452.14(3)(i).

WHEREFORE, the Wisconsin Real Estate Board makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **Lisa M. Carlsen** as a real estate salesperson (#94-66688) shall be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. **Lisa M. Carlsen** shall pay costs of these investigations in the amount of SIX HUNDRED DOLLARS (\$600.00), within one year of the date of signing of this Order.

3. Payment of costs and other submissions required by this Order shall be mailed, delivered or otherwise transmitted 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. Case number 06 REB 142 is hereby closed as to all respondents.

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. 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, Respondent’s license (94-66688) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with 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

4/30/09
Date

IN THE MATTER OF THE	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	
LISA M. CARLSEN,	:	LS# _____ REB
RESPONDENT.	:	

Division of Enforcement Case Number 06 REB 142

It is hereby stipulated and agreed, by and between Lisa M. Carlsen, Respondent; and Mark A. Herman, Attorney for Complainant, State of Wisconsin, 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 142). 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Lisa M. Carlsen, Respondent
9121 Waterside Street, Apt. 112
Middleton, WI 53562

Date

Mark A. Herman, Attorney
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Date