

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
 :
MICHAEL P. CLOVER. : LS0904302REB
RESPONDENT. :
 :

[Division of Enforcement Case File #: 06 REB 250]

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

Michael P. Clover
13003 205th Street
Jim Falls, WI 54748

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

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 Wisconsin Real Estate Board (“Board”). Respondent denies the allegations in this matter, but is willing to settle this matter and agrees to the adoption of the attached Final Decision and Order by 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. Michael P. Clover, date of birth 07/14/54, is licensed in the State of Wisconsin as a real estate broker having license #90-29350. This license was first granted on 08/16/83.
2. Mr. Clover’s last reported business address on file with the Department of Regulation and Licensing (“Department”) is: 13003 205th Street, Jim Falls, Wisconsin 54748. Mr. Clover is the founder and owner of a sole proprietorship, Clover Real Estate.
3. On or about November 3, 2006, the Department received a consumer complaint alleging Mr. Clover had failed to disclose a material adverse fact on property he owned, developed and sold to the Complainants. The consumer complaint was subsequently opened for investigation.
4. In 1998, Mr. Clover purchased land that he would later co-develop. The land purchased by Mr. Clover was

subdivided into a plat which is currently known as Park Creek Estates in the Town of Washington, Eau Claire, Wisconsin. The plat of Park Creek Estates contained dedications of real estate to be used by the public for street or highway purposes. Also, the plat of Park Creek Estates contained twenty-seven (27) residential lots and several outlets that were clear and distinct from the street and highway real estate dedications.

5. On March 20, 2008, the Plat of Park Creek Estates was recorded with the Eau Claire County Register of Deeds. The recorded Plat of Park Creek Estates also had a notation on it stating “RESERVED FOR FUTURE ROAD” for a portion of residential lots 13 and 14.

6. On March 30, 2001, the Complainants submitted a Residential Offer to Purchase (“Offer”) to Mr. Clover for Lot 14 located at 1021 Park Creek Court, Fall Creek, Wisconsin (“Lot 14”). The Offer was drafted and submitted by the Complainants’ real estate agent. After Amendments to the Offer were made, the Offer was accepted on or around April 4, 2001. None of the written documents involving Lot 14 disclosed that a reservation existed for a future road.

7. After March 30, 2001, the Complainants had a residence constructed on Lot 14. At no time during this construction process was written disclosure of a reservation existing for a future road given to the Complainants. Additionally, a Declaration of Restrictive Covenants stated the building location on the lot would need to be approved in writing by the developer or its designee prior to the commencement of any construction. Mr. Clover approved the construction of a residence for Lot 14.

8. On June 11, 2001, Mr. Clover conveyed a Warranty Deed to the Complainants for the residence that was constructed on Lot 14. The Warranty Deed did not contain a written disclosure of a reservation existing for a future road. Subsequently, the Complainants move into their residence located on Lot 14.

9. On October 21, 2002, the Eau Claire County, Department of Planning and Development (“Eau Claire County, Planning and Development”) sent a letter to the Complainants notifying them that their residence could become non-conforming if a future public road was constructed. The letter from Eau Claire County, Planning and Development, additionally stated that the residence does not meet the setback line requirement from the west property line and that the line was placed on Lot 14 because of a planned future public road. The residence on Lot 14 would remain in conforming status until a road would be extended.

10. Following the October 2002, notice to the Complainants, civil litigation was commenced against the Town of Washington in regards to the reservation for a future road on Lots 13 and 14. Mr. Clover and Stewart Title Guaranty Company joined the Complainants as a Plaintiff in the case. On August 4, 2006, Summary Judgment was decided in favor of the Plaintiffs. Summary Judgment decision removed the notation of a reservation for future road on Lots 13 and 14. The removal of the notation allows for the Complainants residence to remain in conforming status.

11. In resolution of this matter, the Respondent, Michael P. Clover consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
3. Respondent, Michael P. Clover has violated:

Wis. Stats. §§ 452.14(3)(b)(i)(k) and Wis. Admin. Code § RL 24.03(2)(b); 24.07(2)(3); by failing to disclose a material adverse fact that he should have been aware of due to his interest as a developer and owner of the property in question. The material adverse fact should have been disclosed in writing. Failure to disclose a material adverse fact constitutes unprofessional, fraudulent, and deceptive conduct.

ORDER

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

IT IS FURTHER ORDERED that Respondent, license # 090-29350 be, and hereby is **REPRIMANDED**.

IT IS FURTHER ORDERED that the Respondent pay to the Department of Regulation and Licensing **COSTS** of **FIVE HUNDRED DOLLARS (\$500.00)**.

IT IS FURTHER ORDERED, that a down payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** shall be submitted within ninety (90) days from the date of this order and one more payment of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** will due ninety (90) days from the previous payment until the full **FIVE HUNDRED DOLLARS (\$500.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing 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**

IT IS FURTHER ORDERED that in the event the Respondent fails to pay the **FIVE HUNDRED DOLLARS (\$500.00)** costs and forfeiture within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent, his license #090-29350 shall be **SUSPENDED** without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing. Failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file **06 REB 250** be, and hereby is, closed as to Michael P. Clover.

WISCONSIN REAL ESTATE BOARD

By Peter Sveum, Board Chair

4/30/09