

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
:
: LS0908202REB
PAMELA J. HOLZHAUSER. :
RESPONDENT. :
:**

[Division of Enforcement Case File #: **06 REB 004**]

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

Pamela J. Holzhaeuser
N6580 Laferme Road
Plymouth, Wisconsin 53073

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”). 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. Pamela J. Holzhaeuser, date of birth: 06/02/63, is licensed in the State of Wisconsin as a real estate broker having license number #090-55136. This license was first granted to Ms. Holzhaeuser on 05/14/08.
2. Ms. Holzhaeuser’s address on file with the Department of Regulation and Licensing (“Department”) is: N6580 Laferme Road, Plymouth, WI 53703.
3. At all times relevant to this disciplinary action, Ms. Holzhaeuser was employed as a real estate salesperson (#94-62451; granted: 01/18/05; expired: 12/31/06) and broker with Re/Max Universal Realty, Incorporated (091-28559; granted: 03/23/83).
4. Ms. Holzhaeuser was and is at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 452 and the Wisconsin Administrative Code for Real Estate Practice RL Chapter 24.

5. On or about January 9, 2006, the Department received a consumer complaint alleging Ms. Holzhaeuser and Re/Max Universal Realty, Inc. did not give the Complainants accurate information regarding the property taxes for real estate they planned to purchase. A case was subsequently opened for investigation.

6. On or about March 29, 2005, the Complainants submitted an Offer to Purchase (“Offer”) on newly constructed residential property, located in Sheboygan Falls, Wisconsin. The Listing Contract for the property was with Re/Max Universal Realty, Inc. The Offer was drafted by Ms. Holzhaeuser, who was acting as a real estate salesperson. The Offer lists Ms. Holzhaeuser as the Seller’s agent. All proper disclosures were made in this case with respect to representation of all parties.

7. Lines 48-49 of the Offer provided that a tax proration would be based off of the 2004 real estate taxes for the property was built upon. At the beginning of 2005, a new tax proration was enacted towards the completed property. The tax proration information was immediately made available to the public at the city assessor’s office.

8. At no time during the course of this real estate transaction was the city assessor’s office contacted by Ms. Holz or Re/Max Universal Realty, Inc. in regards to any possible changes. As a result of not being aware of the tax proration change, new tax information was not provided to the Complainants in writing or at any time prior to the closing of this real estate transaction.

9. In resolution of this matter, Pamela J. Holzhaeuser 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 Pamela J. Holzhaeuser has violated:

Wis. Stats. §§ 454.14(3)(i) and Wis. Admin. Code § RL 24.03(2)(c) by failing to exercise due diligence by providing accurate and current information on property taxes for a newly constructed property.

ORDER

Pamela J. Holzhaeuser (#90-55136) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that the Respondent Holzhaeuser, shall pay to the Department of Regulation and Licensing **COSTS of TWO HUNDRED FIFTY DOLLARS (\$250.00)**.

IT IS FURTHER ORDERED that the Respondent, shall pay to the Department of Regulation and Licensing a **FORFEITURE of THREE HUNDRED SEVENTY FIVE DOLLARS (\$375.00)**.

IT IS FURTHER ORDERED, that a down payment of **(\$250.00)** shall be submitted within thirty (30) days from the this order and one more payment of **THREE HUNDRED SEVENTY FIVE DOLLARS (\$375.00)** will be due thirty (30) from the previous payment until the full **SIX HUNDRED TWENTY FIVE DOLLARS (\$625.00)** is paid. Payments shall 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**

IT IS FURTHER ORDERED that the Respondent, Pamela J. Holzhaeuser, within six months of the dating and signing of this Order, successfully complete the following courses: residential property tax courses of at least three (3) hours. Proof of continuing education requirements must be submitted in the form of verification from the institution providing the education to the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that in the event the Respondent, Pamela J. Holzhaeuser fails to pay the **SIX HUNDRED TWENTY FIVE DOLLARS (\$625.00)** in costs and forfeiture within the time and in the manner as set forth above, then and in that event, and without further Pamela J. Holzhaeuser, license #90-55136 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 004** be, and hereby is, closed as to Pamela J. Holzhaeuser.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Board Chair

8/20/09