

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
CHARITY L. BAYER, :
RESPONDENT. : ORDER0000582

Division of Enforcement Case Number 08 REB 145

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

Charity L. Bayer
334 Northern Avenue
Green Bay, WI 54303

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

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

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. Respondent Charity L. Bayer is licensed in the state of Wisconsin as a Real Estate Salesperson, license number 94-67738. This license was first granted to her on June 14, 2006 and is current through December 14, 2010.
2. The most recent address on file with the Wisconsin Department of Regulation and Licensing (Department) for Ms. Bayer is 334 Northern Avenue, Green Bay, WI 54303.
3. On or about August 15, 2008, the Department received a complaint against Charity L. Bayer alleging that Ms. Bayer represented a property as a “twindo” or “duplex” when the property was, in fact, a condominium. A case was subsequently opened for investigation.

4. The Department's investigation revealed that Charity L. Bayer was the salesperson for the complainant. At the time of the transaction in question, Marina V. Solo was Ms. Bayer's supervising real estate broker-employer. Ms. Bayer was working for Ms. Solo's company, Marina Solo Real Estate Group, Inc.

5. The listing contract for property located at 3083 Open Gate Trail, dated July 17, 2006, was prepared by Marina V. Solo on a WB-1 Residential Listing Contract – Exclusive Right to Sell form.

6. On February 27, 2007, Ms. Bayer prepared an Offer for 3083 Open Gate Trail for the complainant on a W-B 11 Residential Offer to Purchase form.

7. On the property specification sheet, the property was listed as a "Twindominium" and not as a "Condominium." The specification sheet did not reflect an answer of "No" or "Yes" for monthly association fees from which an inference could be made that there would/should not have been any fees.

8. 3083 Open Gate Trail is a condominium; therefore, the Offer should have been prepared using the WB-14 Residential Condominium Offer to Purchase form.

9. In resolution of this matter, Respondent Charity L. Bayer 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, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Charity L. Bayer has violated Wis. Admin. Code § RL 16.04(1) by failing to use the correct form in a real estate transaction.

3. As a result of the violations noted in paragraph 2 of the Conclusions of Law, Ms. Charity L. Bayer is subject to discipline pursuant to Wis. Stat. § 452.14(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Charity L. Bayer (license number 94-67738) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent Charity L. Bayer shall, within ninety (90) days of the date of this Order, pay a FORFEITURE of FIVE HUNDRED DOLLARS (\$500.00) and COSTS in the amount of THREE HUNDRED AND FIFTY-EIGHT DOLLARS (\$358.00) for a total of EIGHT HUNDRED AND FIFTY-EIGHT DOLLARS (\$858.00).

3. Respondent Charity L. Bayer shall, within ninety (90) days of the date of this Order, complete three (3) hours of education in the area of real estate forms, which shall be pre-approved by the Department Monitor. Proof of completion of education 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.

4. Proof of completion of education and payment of costs and forfeiture (which shall be made payable to the Wisconsin Department of Regulation and Licensing) shall be 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

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 payment of the costs or forfeiture or fails to complete the education as ordered and as set forth above, Respondent's license (number 94 -67738) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and forfeiture and completion of education.

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

Dated this 9 day of December, 2010.

WISCONSIN REAL ESTATE BOARD

By: _____

