

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
ABIGAIL V. AAHOLM. :
RESPONDENT. : **ORDER 0001214.**

Division of Enforcement Case No. 09 REB 004

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

Abigail V. Aaholm
5355 Schroth Lane
Appleton, WI 54913

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

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 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, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent Aaholm V. Abigail, date of birth: 09/10/42, is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-7781. This license was first granted to her on April 23, 1976. The license is current through December 14, 2012.

2. The most recent business address on file with the Department of Regulation and Licensing ("Department") for Respondent Abigail is: 5355 Schroth Lane, Appleton, WI 54913. Respondent Abigail is employed with The Real Estate Group, Inc. (license #91-6849; granted: 1/1/70; current through: 12/14/12).

3. On January 7, 2009, the Department received a consumer complaint alleging that Respondent Aaholm sold property she owned and did not inform the Complainant of issues with the property. The complaint was subsequently opened for investigation.

4. On June 12, 2008, a Residential Offer to Purchase (“Offer”) was written by the Buyer’s real estate agent for residential property. Respondent Aaholm was the owner of the residential property for sale and acted as an agent for herself in the real estate transaction. Acceptance of the Offer was due by June 17, 2008 with the Closing occurring on July 15, 2008. A property condition report accompanied the Offer and does not disclose any defects.

5. On June 16, 2008, Respondent Aaholm prepared the first Counteroffer (“Counteroffer 1”) of the real estate transaction. Counteroffer 1 was accepted on June 17, 2008. After a home inspection was completed, it was discovered that there were defects with the property. On July 14, 2008, an Amendment to the Offer to Purchase (“Amended Offer”) was presented by the buyer’s agent and accepted by all parties. Closing was pushed back to July 31, 2008.

6. Additional documentation from the real estate transaction shows that a closing of Respondent Aaholm’s residential property did not occur because the parties could not agree about whether or not all defects had been repaired to the liking of the Complainant. The matter was eventually taken to small claims court and a judgment vacated on the defect issues.

7. The results of the Department’s investigation reveal that Respondent Aaholm did not disclose her status as a licensed real estate broker in the real estate transaction. The results of the investigation also reveal that Respondent Aaholm did not obtain prior written consent from all parties to act as an agent in the real estate transaction.

8. In resolution of this matter, Respondent Abigail V. Aaholm, 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, Respondent Abigail V. Aaholm has violated:

- Wis. Admin. Code § RL 24.05(2) by failing to disclose her self interest as a licensee and acting as an agent in a real estate transaction without obtaining prior written consent from all parties.

3. As a result of the violations described in paragraph 2 of the Conclusions of Law, Respondent Abigail V. Aaholm is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached stipulation is accepted.
2. Respondent Abigail V. Aaholm is hereby **REPRIMANDED**.
3. Respondent Abigail V. Aaholm shall pay COSTS in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** and a FORFEITURE in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** within 90 days of the date of this Order.
4. Payment shall be made 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

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 and forfeiture as ordered and as set forth above, then Respondent's license (numbers 90-7781) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of costs and forfeiture.

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

Dated this 16 day of NOVEMBER, 2011.

WISCONSIN REAL ESTATE BOARD

By: _____

