

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
TERESA MULLENMASTER, :
RESPONDENT. :
 : **ORDER 0001218**

Division of Enforcement Case No. 10 REB 150

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

Teresa Mullenmaster
W6758 State Road 21
Wautoma, WI 54982

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

Division of Enforcement
Department of Safety and Professional Services
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 Teresa Mullenmaster (dob 09/29/57) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 42817-94, first issued on 2/24/1995 and current through 12/14/2012. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W6758 State Road 21, Wautoma, WI 54982.

2. Respondent showed a condominium (condo) to purchasers on June 18, 2009. Said condo was under listing contract by another agent with another realty company. The listing contract was to expire June 26, 2009.

3. On June 23, 2009, Respondent drafted Residential Offers to Purchase on Form WB-11 Residential Offer to Purchase for both condos rather than on the prescribed WB-14 Residential Condominium Offer to Purchase.

4. Respondent postdated the Offers to Purchase to June 28, 2009, to make it appear as if they were drafted after the previous listing contract expired.

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 violated Wis. Stat. § 452.133(1)(a) by not providing brokerage services honestly and fairly.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § RL 24.13(5) by negotiated a sale of real estate directly with a party when the licensee knew the party had an unexpired written contract in connection with the real estate which granted another licensee the exclusive right to see or negotiate.

4. By the conduct described in the Finding of Fact number 3, Respondent violated Wis. Admin. Code § RL 16.04(1) by using the incorrect form for an offer to purchase a condominium.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(L) and (m).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. Respondent Teresa Mullenmaster is hereby REPRIMANDED.
3. The Real Estate Salesperson license issued to Respondent (license number 42817-94) is hereby LIMITED as follows:
 - a. Respondent shall, within one year of the date of this Order, successfully complete 3 hours of education on forms and 3 hours of education on ethics and negotiation offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses;
 - b. Respondent shall submit proof of completion 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 have been or may be instituted by the

Board, Wisconsin Department of Safety and Professional Services or similar authority in any state, and also may not be used in future attempts to upgrade a credential in any state.

c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days of the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$1000.00 and COSTS of this matter in the amount of \$513.

5. Proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

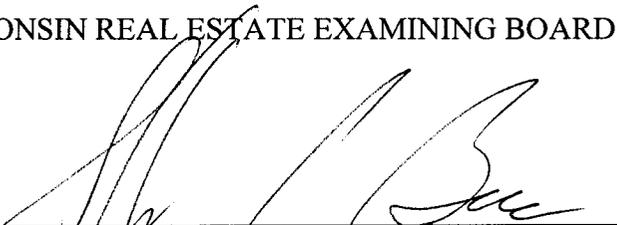
Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

6. 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 forfeiture and costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 42817-94) 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 forfeiture and costs and completion of the education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:



A Member of the Board

11-16-11

Date