

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

MIRIAM R. BOURGET,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002149

Division of Legal Services and Compliance Case No. 12 REB 033

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

Miriam R. Bourget
26566 County Hwy. X
Cadott, WI 54727

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

Division of Legal Services and Compliance
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 Wisconsin Real Estate Examining 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 Miriam R. Bourget (dob 03/10/1959) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 94-52771, first issued on March 2, 2001 and current through December 14, 2012. Respondent Bourget's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 26566 County Hwy. X, Cadott, WI 54727.

2. On or about April 2, 2012, the Department received a complaint alleging that Respondent Bourget failed to disclose foundation problems to the buyer of a property in 2002. Division of Legal Services and Compliance case number 12 REB 033 was subsequently opened for investigation.

3. The Department's investigation revealed that on March 25, 2002, a property inspection was performed at 7190 Hwy. K, Chippewa Falls, WI. The inspection revealed, in part, significant foundation problems with the property.

4. On March 28, 2002, the listing agent provided Respondent Bourget, the agent for buyers L.G. and T.B., a copy of the Real Estate Condition Report, dated February 21, 2002. The report indicated the seller was aware of defects in the basement or foundation as well as defects in the structure of the property.

5. On March 28, 2002, Respondent Bourget drafted an Offer to Purchase the property for L.G. and T.B. The offer was accepted and the transaction closed on April 14, 2002.

6. Later in 2002, Respondent Bourget acted as the listing agent for the sale of the property for L.G. and T.B.

7. L.R. contacted Respondent Bourget regarding the property and on July 3, 2002, Respondent Bourget drafted an Offer to Purchase the property for L.R. The Offer was accepted and the transaction closed.

8. Respondent Bourget failed to disclose to L.R. that the property had foundation problems.

9. At all times relevant to this matter, Respondent Bourget was married to T.B.

10. Respondent Bourget failed to obtain the written consent of L.R. to act as the agent for L.R. in this transaction.

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

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining 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 Bourget violated Wis. Admin. Code § RL (now REEB) 24.05(2) by acting as an agent on behalf of an immediate family member without the prior written consent of all parties to the transaction.

3. By the conduct described in the Findings of Fact, Respondent Bourget violated Wis. Stat. §§ 452.133(1)(a) and (c) and Wis. Admin. Code §§ RL (now REEB) 24.03(2)(b) and 24.07(2) by failing to disclose in writing a material adverse fact that she was aware of in a real estate transaction.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Bourget is REPRIMANDED.
3. Within 90 days from the date of this Order, Respondent Bourget shall pay COSTS of this matter in the amount of \$620.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:


Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 forfeiture and costs as ordered, Respondent's license (no. 94-52771) 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

11-15-12
Date