

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARK D. ROTHERHAM AND  
QUORUM ENTERPRISES, INC.,  
RESPONDENTS.

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FINAL DECISION AND ORDER

**ORDER 0002314.**

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 REB 016

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

Mark D. Rotherham  
1017 Tommark St.  
Green Bay, WI 54304

Quorum Enterprises, Inc.  
1017 Tommark St.  
Green Bay, WI 54304

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 Mark D. Rotherham (dob May 27, 1961) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-44040, first issued on September 5, 1990, and current through December 14, 2012. Respondent Rotherham's most recent address

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

on file with the Wisconsin Department of Safety and Professional Services (Department) is 1017 Tommark St., Green Bay, WI 54304.

2. Respondent Quorum Enterprises, Inc. (Quorum Enterprises) is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 91-936863, first issued on January 19, 2011 and current through December 14, 2012. Respondent Quorum Enterprises' most recent address on file with the Department is 1017 Tommark St., Green Bay, WI 54304. Respondent Rotherham is identified in Department records as an officer of Respondent Quorum Enterprises.

3. On or about February 22, 2012, the Department received a complaint alleging that Respondents failed to inspect real estate prior to listing same in violation of Wis. Admin. Code § REEB 24.07(1)(b). Division of Legal Services and Compliance Case Number 12 REB 016 was subsequently opened for investigation.

4. The Department's investigation revealed that Respondents listed numerous properties between September 2010 and March 2012 without first having such properties inspected by a real estate licensee. In several of these instances, Respondents had licensed home inspectors or real estate appraisers inspect the properties.

5. Respondent desired to address the Board's concerns with his real estate practice as soon as possible and, pursuant to a request of the Board Advisor in this matter, successfully completed the three hour course entitled "Other Approved Forms" from the 2011-2012 Approved Continuing Education Courses on December 8, 2012.

6. In resolution of this matter, Respondents consent 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, Respondents violated Wis. Admin. Code § REEB 24.07(1)(b) by failing to have a real estate licensee inspect real estate prior to listing the real estate.

3. As a result of the above violation, Respondents are subject to discipline pursuant to Wis. Stat. § 452.14(3)(i) and (L).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark D. Rotherham is REPRIMANDED.

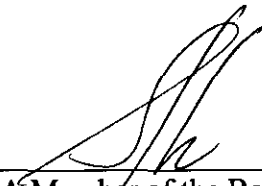
3. Respondent Quorum Enterprises, Inc. is REPRIMANDED

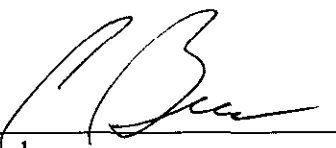
4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent Rotherham's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:

  
A Member of the Board

  
Date 2/21/13