

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

SALLY K. WELLNITZ,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002400
:

Division of Legal Services and Compliance Case No. 12 REB 104

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

Sally K. Wellnitz
9145 N. County Line Rd.
Whitewater, WI 53190

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 Sally K. Wellnitz (dob September 4, 1958) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 56546-90, first issued on February 1, 2012, and current through December 14, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 9145 North County Line Road, Whitewater, Wisconsin 53190.

2. On August 20, 2012, Respondent viewed a property located in Adams, Wisconsin for her personal purchase.

3. Respondent viewed signs posted by the seller's agent and was aware at the time of viewing that the sellers were represented by an agent.

4. Respondent negotiated the sale directly with the represented sellers.
5. Respondent attempted to make a side deal with the sellers that she would return her commission to the sellers, but was informed by her managing broker that that was a violation of the REEB statute and did not go through with the fee splitting.
6. Respondent did not obtain written consent from all parties to act on her own behalf.
7. In resolution of this matter, Respondent 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 Wellnitz violated Wis. Stat. § 452.133(3)(b) and Wis. Admin. Code § REEB 24.05(2) by failing to obtain written consent from all parties when acting on her own behalf in a real estate transaction.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.133(1)(a) by failing to provide brokerage services honestly and fairly to all persons in a transaction.
4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.13(5) by negotiating a sale of real estate directly with a represented party.
5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i), (j), and (L).

ORDER

1. The attached Stipulation is accepted.
2. The Real Estate Broker License issued to Respondent Sally K. Wellnitz (license number 56546-90) is hereby SUSPENDED for a period of 15 days beginning 15 days after the date of this Order.
3. The Real Estate Broker license issued to Respondent Sally K. Wellnitz (license number 56546-90) is LIMITED as follows:
 - a. Within 3 months of the date of this Order, Respondent shall successfully complete 3 hours of education on the topic of ethics 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 or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500.00.

5. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$500.00.

6. Proof of successful course completion and payment of the forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

7. 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. 56546-90) 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

4-18-13
Date