

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

SHOREWEST REALTORS, INC.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 0002498
:

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:

Shorewest Realtors, Inc.
P.O. Box 942
Brookfield, WI 53008-0942

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 Shorewest Realtors, Inc. (Shorewest) is licensed in the State of Wisconsin as a Real Estate Business Entity, having license number 7771-91, first issued on July 11, 1950, and current through December 14, 2014. Respondent's most recent address on file with the Department is Post Office Box 942, Brookfield, Wisconsin 53008-0942.

2. On October 12, 2012, Division of Legal Services and Compliance received a complaint that S.W., a licensed real estate broker who is employed by Respondent Shorewest, violated the rules of the Board. Case Number 12 REB 104 was subsequently opened for investigation.

3. In 2012, S.W., a licensed real estate broker wrote an Offer to Purchase on her own behalf, as an employee of Respondent Shorewest, a property located in Adams County, Wisconsin.

4. S.W. committed the following violations while under the supervision of Respondents:

- a. Knowingly negotiated a sale of property directly with sellers who were represented by a licensed real estate salesperson.
- b. Made a deal with the sellers to return her commission to them.
- c. Failed to obtain written consent from all parties to act on her own behalf in the purchase of the real estate.

5. Respondent failed to provide adequate supervision of S.W.

6. Respondent failed to delegate the performance of the duty to supervise licensed employees to a supervising broker.

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 violated Wis. Admin. Code § REEB 17.08(1) by failing to supervise the activities of a licensee employed by Respondent.

3. By the conduct described in the Findings of Fact, Respondent, as a broker-employer who is a business entity, violated Wis. Admin. Code § REEB 17.08(3) by failing to delegate the performance of the duty to supervise licensed employees to a supervising broker in accordance with Wis. Admin. Code § REEB 17.08(5).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Shorewest Realtors, Inc. is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall delegate the performance of the duty to supervise licensed employees to a supervising broker. Said

delegation shall be in writing, shall be signed on behalf of Respondent, shall identify the duty delegated, and shall be signed by the supervising broker to whom the delegation is made in accordance with Wis. Admin. Code § REEB 17.08(5). Said delegation shall be submitted to the Department monitor at the address below. If Respondent is delegating the duty to supervise licensees employed by Respondent to more than one supervising broker, Respondent shall have a separate written delegation for each supervising broker and shall submit that to the Department Monitor at the address below within 90 days of this Order.

4. Within 90 days from the date of this Order, Respondent Shorewest shall pay COSTS of this matter in the amount of \$865.00.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondents to the Department Monitor at the address below:

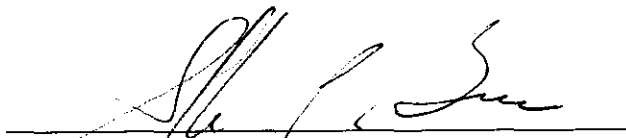
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 Respondents' licenses. 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 Respondents fail to timely submit payment of the costs as ordered, Respondent's license (no. 7771-91) 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

6-27-13
Date