

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

JOANN C. SAROW,
RESPONDENT.

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:
:

FINAL DECISION AND ORDER

0003482

Division of Legal Services and Compliance Case No. 13 REB 004

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

JoAnn C. Sarow
1225 Shannon Ct.
Janesville, WI 53546

Wisconsin Real Estate Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 JoAnn C. Sarow (dob April 26, 1950) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 55111-90, first issued on April 29, 2008 and expired on December 15, 2012. JoAnn C. Sarow's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1225 Shannon Ct., Janesville, WI 53546.
2. On June 1, 2011, Respondent entered into a one-year, renewable property management agreement with Creekside Condominium Association for a commission in the amount of 5% of the Association dues per month.

3. In the course of managing the Association's finances, Respondent obtained and held client funds.

4. Respondent did not deposit the funds into a real estate trust account.

5. Respondent has never maintained a real estate trust account and has never registered a trust account with the Department.

6. 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, JoAnn C. Sarow violated Wis. Stat. § 452.13(2)(a) by holding client funds without establishing an interest-bearing trust account.

3. By the conduct described in the Findings of Fact, JoAnn C. Sarow violated Wis. Admin. Code § REEB 18.031(1) by failing to deposit real estate trust funds in a real estate trust account.

4. By the conduct described in the Findings of Fact, JoAnn C. Sarow violated Wis. Admin. Code § REEB 18.033(1) by failing to open a real estate trust account upon receiving real estate trust funds.

5. By the conduct described in the Findings of Fact, JoAnn C. Sarow violated Wis. Stat. § 452.133(1)(f) by failing to safeguard trust funds by failing to hold client funds in a trust account.

6. As a result of the above violations, JoAnn C. Sarow is subject to discipline pursuant to Wis. Stat. § 452.14(3)(h), (i) and (L).

ORDER

1. The attached Stipulation is accepted.

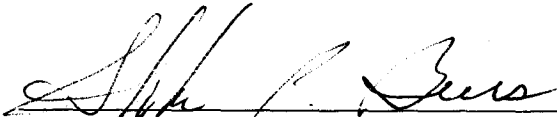
2. The VOLUNTARY SURRENDER of Respondent JoAnn C. Sarow's right to renew her Real Estate Broker license (no. 55111-90) is ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of her right to renew her Real Estate Broker license and her right to practice real estate in the State of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice real estate in the State of Wisconsin.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

10-16-14
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOANN C. SAROW,
RESPONDENT.

STIPULATION

0003482

Division of Legal Services and Compliance Case No. 13 REB 004

Respondent JoAnn C. Sarow and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Scott K. McCarthy.

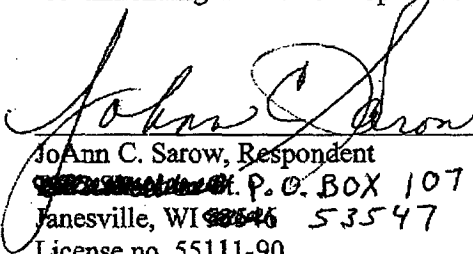
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

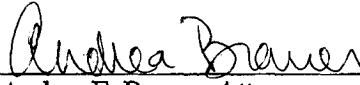
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


JoAnn C. Sarow, Respondent
~~Respondent~~ P.O. BOX 1071
Janesville, WI ~~53546~~ 53547
License no. 55111-90

10-2-14
Date


Scott K. McCarthy, Attorney for Respondent
205 S. John Paul Rd.
Milton, WI 53563

10-2-14
Date


Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/2/14
Date