

## 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 :  
: FINAL DECISION AND ORDER  
SUSAN J. CRALL, :  
RESPONDENT. :

ORDER 4099

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Division of Legal Services and Compliance Case No. 13 REB 018

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

Susan J. Crall  
P.O. Box 791  
Woodruff, WI 54568-0791

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 Susan J. Crall (dob September 13, 1951) is licensed in the State of Wisconsin as a real estate salesperson, having license number 38857-94, first issued on March 11, 1993 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 791, Woodruff, Wisconsin 54568-0791.

2. At all times relevant to this proceeding, Respondent was employed as a real estate salesperson at a realty company (Realty), located in Minocqua, Wisconsin.

3. On June 19, 2011, Respondent drafted an offer (Offer) on behalf of the Buyers to purchase a residential property located in Minocqua, Wisconsin (Minocqua Property), from Seller. Respondent was the agent for Seller. The Offer included a contingency for inspecting and testing the property and a right for Seller to cure any defects.

4. On June 30, 2011, following an exchange of counteroffers between Seller and Buyers, an agreement was reached for the purchase of the Minocqua Property. The accepted counteroffer incorporated into its terms the original Offer which included the contingency for inspection and testing and a right to cure.

5. The contingency afforded the Buyers twenty-one (21) days from the date of acceptance to exercise or waive the inspection contingency. As such, Buyers had until July 21, 2011 to provide Respondent a copy of an inspection report and a list of defects and Seller had a right to cure any defects prior to closing.

6. The closing date was set for July 30, 2011.

7. On July 19, 2011, Respondent drafted a WB-40 Amendment to Offer to Purchase (Amendment) which included a provision to extend the inspection contingency deadline until July 25, 2011. Buyers signed the Amendment on July 19, 2011 and Seller signed it on July 20, 2011.

8. At no time did Seller authorize an extension of the inspection contingency beyond July 25, 2011.

9. At no time prior to July 25, 2011 did Respondent obtain another written agreement between Buyers and Seller to extend the inspection contingency beyond July 25, 2011.

10. On July 28, 2011, three (3) days following the deadline for the inspection contingency, the inspection report was delivered to Seller and Buyers. Pursuant to the terms of the inspection contingency, by failing to deliver the written inspection report to Seller before the inspection contingency deadline, Buyers waived the right to provide a notice of defects to the Seller.

11. Respondent did not advise Seller that he had the right to cure any defects after receiving the inspection report (which revealed defects).

12. On July 29, 2011, after reviewing the inspection report, Buyers informed Respondent that they would not be closing that weekend per the July 30, 2011 closing date because they were concerned about water in the basement and wanted to have a contractor of their choice inspect the property.

13. On August 7, 2011, at 10:55 a.m., Buyers sent an email to Respondent asserting that no purchase agreement existed and requesting return of their earnest money. Following receipt of that email, Respondent prepared a WB-45 Cancellation Agreement & Mutual Release (Cancellation Agreement) without obtaining consent from Seller to do so.

14. On August 7, 2011, at 3:00 p.m., Respondent sent an email to Buyers with the Cancellation Agreement attached with instructions to sign it and return to Respondent. Respondent represented in that email that she had spoken to the Seller and would also be sending the Cancellation Agreement to the Seller as well.

15. Seller did not sign the Cancellation Release as he had no intention of releasing Buyers from their obligation to purchase the Minocqua Property.

16. In resolution of this matter, Respondent neither admits nor denies the above allegations, but consents to the entry of the following Conclusions of Law and Order in order to avoid the further expenses and uncertainty of litigation.

#### 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 24.08 by failing to “put in writing . . . all offers to purchase . . . and any other commitments regarding transactions, expressing the exact agreement of the parties . . .”

3. Per Wis. Admin. Code § REEB 24.01(3), a licensee who violates the rules in this chapter has demonstrated incompetency to act as a broker or salesperson in a manner as to safeguard the interests of the public under Wis. Stat. § 452.14(3)(i).

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Susan J. Crall is REPRIMANDED.

3. The real estate salesperson license issued to Susan J. Crall (license number 38857-94) is LIMITED as follows:

a. Within one year of the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of business ethics and consumer protection 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 successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at 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 180 days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$500.00 and COSTS of this matter in the amount of \$1,200.00.

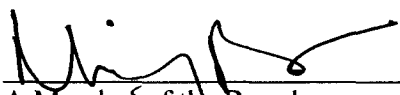
5. Proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
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 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. 38857-94) 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 submitted proof of successful completion of the ordered education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:   
A Member of the Board  
Christ Hegar Counsel, DSPS

6/25/15  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SUSAN J. CRALL,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

*ORDER 4099*

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Division of Legal Services and Compliance Case No. 13 REB 018

Respondent Susan J. Crall 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 John E. Danner.

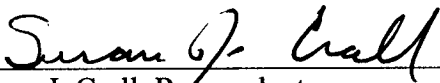
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 or Respondent's attorney, 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.

  
\_\_\_\_\_  
Susan J. Crall, Respondent  
P.O. Box 791  
Woodruff, WI 54568-0791  
License no. 38857-94

5-26-15  
Date

  
\_\_\_\_\_  
John E. Danner, Attorney for Respondent  
Law Offices of Harrold, Scrobell & Danner, S.C.  
P.O. Box 1148  
Minocqua, WI 54548-1504

5/26/15  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

6/8/15  
Date