

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

DONALD R. PEACOCK,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

0004102

Division of Legal Services and Compliance Case No. 13 REB 084

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

Donald R. Peacock
P.O. Box 259432
Madison, WI 53713

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 Donald R. Peacock (dob 10/3/1953) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 55762-94, first issued on 11/19/2002 and current through 12/14/2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 259432, Madison, Wisconsin 53713.

2. On March 26, 2013, Respondent entered into a listing contract with Seller NW for the sale of a condominium located in Madison, Wisconsin.

3. On August 2, 2013, Seller NW advised Respondent that she wished to have her listing contract expire as of August 15, 2013 rather than September 15, 2013 as agreed to in the March 26, 2013 contract.

4. On August 13, 2013, Respondent drafted a WB-42 Amendment to the Listing Contract withdrawing the property from the marketplace rather than expiring the March 26, 2013 listing contract as requested by Seller NW.

5. Seller NW signed the August 13, 2013 WB-42 Amendment to the Listing Contract.

6. Seller NW subsequently attempted to list the condominium with another real estate salesperson and was advised that there was an existing listing contract.

7. Seller NW contacted Respondent's supervising broker who directed Respondent to immediately prepare documents to terminate the listing contract.

8. Respondent prepared a Mutual Cancellation and Release form which was signed by Seller NW and Respondent effective August 19, 2013.

9. 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 Donald R. Peacock violated Wis. Admin. Code § REEB 24.08 by failing to put in writing all transactions expressing the exact agreement of the parties.

3. As a result of the above violation, Respondent Donald R. Peacock is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Donald R. Peacock is REPRIMANDED.

3. The Real Estate Salesperson license of Respondent Donald R. Peacock (license #55762-94) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete 6 hours of education on the topic of business ethics offered by a

provider pre-approved by the Board's monitoring liaison, including taking and passing any examination offered for the course/s.

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 the 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 COSTS of this matter in the amount of \$604.00.

5. Proof of successful course completion, passage of any examination, and payment of 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:

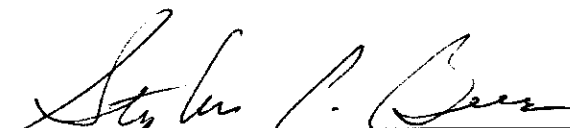
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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 costs as ordered or fails to comply with the ordered education and passage of any examination as set forth above, Respondent's license (# 55762-94) 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 costs, completion of the education and passage of any examination.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

6-18-15
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DONALD R. PEACOCK,
RESPONDENT.

STIPULATION

0004102

Division of Legal Services and Compliance Case No. 13 REB 084

Respondent Donald R. Peacock 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.
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.

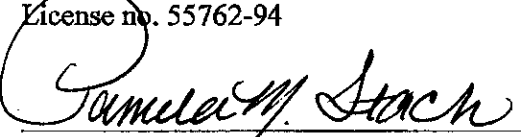
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Donald R. Peacock, Respondent
P.O. Box 259432
Madison, WI 53713
License no. 55762-94

5-27-15
Date



Pamela M. Stach, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

5-27-15
Date