

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 :
: FINAL DECISION AND ORDER
MICHELLE C. CARLSON, :
RESPONDENT. : 0004666

Division of Legal Services and Compliance Case No. 15 REB 076

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

Michelle C. Carlson
1408 County Road GG
New Richmond, WI 54017

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 Michelle C. Carlson (DOB July 27, 1979) is licensed by the State of Wisconsin as a real estate salesperson, having license number 73594-94, first issued on September 8, 2009 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1408 County Road GG, New Richmond, Wisconsin 54017.

2. On April 2, 2015, Respondent entered into a commercial listing contract with a seller for the exclusive right to sell a commercial property located in Menomonie, Wisconsin.

3. Respondent did not subsequently list the property on MLS, place a sign on the property, or otherwise advertise the property.

4. The seller complained Respondent failed to fulfill her responsibilities under the listing contract, and Respondent offered the seller the opportunity to cancel the listing contract.

5. On June 8, 2015, Respondent and the seller signed a cancellation agreement and mutual release cancelling the listing contract.

6. Respondent stated she delayed marketing the property because she was attempting to persuade the seller to include equipment and personal property in the list price. However, the seller wished to exclude equipment and personal property from the sale.

7. The listing contract did not include equipment in the list price and in fact specifically stated the seller's personal property, hoists, and racking were not included in the list price.

8. 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 24.03(2)(b) by failing to act to protect the public against unethical practices.

3. As a result of the above violation, Michelle C. Carlson is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i) and (L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Michelle C. Carlson is REPRIMANDED.

3. The real estate salesperson license issued to Michelle C. Carlson (license number 73594-94) is LIMITED as follows:

a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete six (6) hours of education in the topic of business ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam(s) 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 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 ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$680.

5. Proof of successful completion of the education and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent 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. In the event Respondent fails to timely complete the education as set forth above or fails to timely submit payment of the costs as ordered, Respondent's license (number 73594-94), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with completion of the education and 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 Real Estate Examining Board

4-21-16
Date

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.

*Contacted to Receive
on 3/18/2016*

Michelle Carlson
Michelle C. Carlson, Respondent
1408 County Road GG
New Richmond, WI 54017
License no. 73594-94

Date

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

3/31/16
Date