

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
SUSAN K. WELLS, :
RESPONDENT. :

0004745

Division of Legal Services and Compliance Case No. 14 REB 093

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

Susan K. Wells
95 East Cedar Lake Court
Star Prairie, WI 54026

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 K. Wells (DOB 10/06/1954) is licensed by the State of Wisconsin as a real estate broker, having license number 49255-90, first issued on February 3, 1998 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 95 East Cedar Lake Court, Star Prairie, Wisconsin 54026.

2. On July 21, 2014, the Department received a complaint against Respondent regarding a real estate transaction from May and June 2014. The Division of Legal Services and Compliance (DLSC) Case No. 14 REB 093 was subsequently opened for investigation.

3. On May 20, 2014, a final offer was accepted for a single family home. Respondent represented the buyers in this transaction.
4. The offer was contingent on a satisfactory inspection. The inspection revealed electrical and plumbing issues.
5. The parties entered into three subsequent WB-40 amendments to the accepted offer to purchase. These amendments addressed the inspection repairs.
6. On May 28, 2014, the first amendment was accepted. The parties agreed the sellers would contribute \$750.00 towards repairs and any amount above that would be the buyers' responsibility.
7. On June 23, 2014, the second amendment was accepted. The parties agreed the sellers would allow the buyer to fix the plumbing and electrical prior to closing at the buyers' expense, minus the previously agreed upon \$750.00 which the sellers would provide to the buyers at closing.
8. On July 1, 2014, the third amendment was accepted. The parties agreed the sellers would pay at closing the electrical and plumbing invoices which totaled \$684.25, instead of the earlier agreed upon \$750.00.
9. The final amendment was not properly incorporated into the HUD statement prepared by the buyers' lender. This caused a discrepancy between the closing documents and the actual agreement between the parties.
10. 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. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.
3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (4m).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Susan K. Wells is REPRIMANDED.

3. Respondent Susan K. Wells's real estate broker license (no. 49255-90) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent Wells shall successfully complete a course on contracts and a course on Wisconsin real estate law 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 Wells 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.

4. Within 90 days from the date of this Order, Respondent Wells shall pay COSTS of this matter in the amount of \$788.

5. Certificate(s) of course completion 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

4. In the event Respondent fails to complete the ordered education or timely submit payment of the costs as ordered, Respondent's license (no. 49255-90), 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 the ordered education and payment of the costs.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
SUSAN K. WELLS,	:	
RESPONDENT.	:	0004745

Division of Legal Services and Compliance Case No. 14 REB 093

Respondent Susan K. Wells 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 David J. McGee.


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.

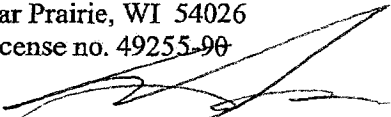
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.




Susan K. Wells, Respondent
95 E. Cedar Lake Ct.
Star Prairie, WI 54026
License no. 49255-90

April 14, 2016
Date



David J. McGee, Attorney for Respondent
Chestnut Cambronne, Attorneys at Law
17 Washington Avenue North, Suite 300
Minneapolis, MN 55401-2048

4-18-16
Date



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

4/19/2016
Date