

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
NOELLE C. STEVENS AND :
MADISONFLATFEEHOMES.COM LLC, :
RESPONDENTS. :

0004982

Division of Legal Services and Compliance Case No. 15 REB 045

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

Noelle C. Stevens
715 Meadowview Lane
Lodi, WI 53555

MadisonFlatFeeHomes.com LLC
6907 University Ave., Ste. 222
Middleton, WI 53562

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 Noelle C. Stevens (DOB 06/23/1968) is licensed by the State of Wisconsin as a real estate broker, having license number 55250-90, first issued on July 28, 2008 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 715 Meadowview Lane, Lodi, Wisconsin 53555.

2. Respondent MadisonFlatFeeHomes.com LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 936601-91, first issued on October 15, 2009 and current through December 14, 2016. Respondent's most recent address on file with the Department is 6907 University Avenue, Suite 222, Middleton, Wisconsin 53562.

3. Respondent Stevens is identified in Department records as the responsible broker for Respondent MadisonFlatFeeHomes.com LLC.

4. On March 19, 2015, the Department received a complaint regarding a real estate transaction handled by Respondents Stevens and MadisonFlatFeeHomes.com LLC. Division of Legal Services and Compliance Case No. 15 REB 045 was subsequently opened for investigation.

5. On January 27, 2013, the buyers met with Respondent Stevens to discuss their relocation from Texas to the Milwaukee area. The buyers selected Respondents based on their internet advertisement that stated, "To qualify for a 50% rebate of my commission, minimum purchase price must be greater than \$200,000. I'll show you a maximum of 12 properties on 3 different outings. This includes second showings."

6. The buyers discussed with Respondent Stevens the fact that they would need to see more homes than she typically showed her customers under the rebate program, but they would also be purchasing a home that cost more than the average home. Respondent Stevens verbally agreed to allow some flexibility with the number of properties and length of time before closing. The agreement regarding the rebate terms and conditions was not reduced to writing.

7. At the January 27, 2013 meeting, Respondent Stevens provided the buyers the Buyer Representation Agreement and the MadisonFlatFeeHomes.com LLC Addendum A to the Buyer Agency/Tenant Representation Agreement. No broker disclosure form was completed. The Buyer Agency/Tenant Representation Agreement was never returned to Respondent Stevens.

8. In total, Respondent Stevens showed the buyers 28 properties on four outings.

9. On May 18, 2013, Respondent Stevens drafted an Offer to Purchase pursuant to the buyers' instructions for a property located at 10028 North Sheridan Drive in Mequon, Wisconsin.

10. On the day prior to closing, Respondent Stevens told the buyers that the terms of the rebate program had been far exceeded and she would not be giving them a 50% rebate of the commission, but would be willing to give some rebate, only if the buyers proposed a reasonable amount for her consideration. This issue was not resolved prior to closing.

11. On November 9, 2013, the buyers and seller closed on the property without an agreement on commission. Respondent Stevens received the full commission.

12. During the Department's investigation of this matter, it was discovered that MadisonFlatFeeHomes.com LLC was also conducting business under the name MilwaukeeFlatFeeHomes.com LLC, which was not registered with the Department. Upon

notification to Respondents, MilwaukeeFlatFeeHomes.com LLC was registered with the Department as a trade name.

13. In resolution of this matter, Respondents consent 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, Respondents violated Wis. Admin. Code § REEB 24.08 by failing to put all agreements in writing.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 452.135(1)(a) by negotiating on behalf of a customer prior to providing the customer with a copy of a written disclosure statement.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 23.03(2) by doing business under a trade name prior to notifying the Department of the trade name.

6. As a result of the above violations, Noelle C. Stevens and MadisonFlatFee Homes.com LLC are subject to discipline pursuant to Wis. Stat. § 452.14(3)(i)(L) and (4m).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Noelle C. Stevens is REPRIMANDED.

3. Respondent MadisonFlatFeeHomes.com LLC is REPRIMANDED.

4. The real estate broker license issued to Noelle C. Stevens (no. 55250-90) is LIMITED as follow:

a. Within 90 days of the date of this Order, Respondent Stevens shall successfully complete five hours of education on the topics of real estate contracts and 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 Stevens 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.

5. Within 90 days from the date of this Order, Respondent Stevens shall pay a FORFEITURE in the amount of \$250 and one-half of the COSTS of this matter in the amount of \$359.

6. Within 90 days from the date of this Order, Respondent MadisonFlatFee Homes.com LLC shall pay a FORFEITURE in the amount of \$250 and one-half of the COSTS of this matter in the amount of \$359.

7. Payment of forfeitures and costs, made payable to the Wisconsin Department of Safety and Professional Services, requests for pre-approval and course certificates 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

8. In the event Respondents fail to timely submit payment of the forfeitures and costs as ordered, or fail to complete the ordered education, Respondents' licenses (nos. 55250-90 and 936601-91), or Respondents' right to renew their licenses, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with payment of the forfeitures and costs, and completion of education.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

10-20-16
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

NOELLE C. STEVENS AND
MADISONFLATFEEHOMES.COM LLC,
RESPONDENTS.

:
:
:
:
:
:
:

STIPULATION

0004982

Division of Legal Services and Compliance Case No. 15 REB 045

Respondents Noelle C. Stevens and MadisonFlatFeeHomes.com LLC 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondents agree 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. Respondents waive 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 Respondents, 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. Respondents are 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 Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Noelle C. Stevens

Noelle C. Stevens, Respondent
715 Meadowview Lane
Lodi, WI 53555
License no. 55250-90

10.13.14

Date

Noelle C. Stevens, Broker/owner

MadisonFlatFeeHomes.com LLC, Respondent
By: Noelle C. Stevens
6907 University Ave., Ste. 222
Middleton, WI 53562
License no. 936601-91

10.13.14

Date

Renee M. Parton by Sarah L. Murray

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

10.13.16

Date