

## 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  
SHOREWEST REALTORS INC., :  
RESPONDENT. :

**0005276**

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Division of Legal Services and Compliance Case No. 15 REB 081

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

Shorewest Realtors Inc.  
P.O. Box 942  
Brookfield, WI 53008

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 Shorewest Realtors Inc. is licensed by the State of Wisconsin as a real estate business entity, having license number 7771-91, first issued on July 11, 1950 and current through December 14, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is Post Office Box 942, Brookfield, Wisconsin 53008.

2. On June 27, 2013, the Board reprimanded Respondent for failing to supervise the activities of a licensed employee. (Order No. 0002498)

3. On June 29, 2015, the Department received a complaint regarding a real estate transaction handled by K.K., a licensed real estate broker who is employed by Respondent. Division of Legal Services and Compliance Case No. 15 REB 081 was subsequently opened for investigation.

4. On February 19, 2014, the sellers signed a listing agreement with K.K. The sellers were identified as K.K.'s client on the Disclosure of Real Estate Agency, and the sellers consented to a multiple representation relationship with a designated agency.

5. On September 15, 2014, Racine County Circuit Court ordered a price reduction schedule for the property. The sellers were ordered to reduce the price by 1% on the first of every month until January 1, 2015. K.K. was made aware of this order.

6. On February 4, 2015, Racine County Circuit Court ordered the price to be lowered to \$640,000. K.K. was made aware of this order.

7. On February 19, 2015, a new Disclosure to Real Estate Agency was completed for the property in which the sellers consented to a multiple representation relationship without a designated agency, a deviation from the first Disclosure to Real Estate Agency agreement.

8. On March 12, 2015, K.K. entered into a buyer agreement with a prospective buyer for the sellers' property and drafted an Offer To Purchase on behalf of the buyer.

9. On March 16, 2015, K.K. disclosed to the sellers, via email, that she was an agent for both the buyer and sellers. One of the sellers responded by stating that she wanted K.K. to represent the sellers exclusively.

10. On March 23, 2015, the seller emailed K.K. and expressed her displeasure with the representation issue.

11. K.K. consulted Respondent's legal counsel on the agency issue. K.K. was advised to represent the buyer and get another agent for the sellers.

12. On April 30, 2015, the transaction closed and K.K. attended the closing as the agent for the buyer while another agent from Respondent's firm represented the sellers.

13. 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. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 17.08(1) by failing to supervise the activities of any licensee employed by the broker-employer.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Shorewest Realtors Inc. is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent Shorewest Realtors Inc. shall pay 1/3 of the COSTS of this matter in the amount of \$320.

4. 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

5. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (number 7771-91), or Respondent's right to renew its license, 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Randal Awazhio  
A Member of the Board

4/24/17  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
SHOREWEST REALTORS INC., :  
RESPONDENT. :

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**0005276**

Division of Legal Services and Compliance Case No. 15 REB 081

Respondent Shorewest Realtors Inc. 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.

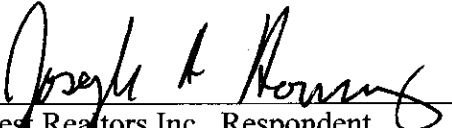
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

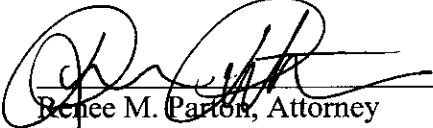
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
Shorewest Realtors Inc., Respondent  
By: Joseph A. Horning, Supervising Broker  
P.O. Box 942  
Brookfield, WI 53008  
License no. 7771-91

2/8/2017  
Date

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

2/13/2017  
Date