

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
KATEARI BOYD, :
RESPONDENT. :

0005456

Division of Legal Services and Compliance Case No. 16 COM 163

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

Kateari Boyd, Respondent
899 HWY 73, #12
Wisconsin Rapids, WI 54494

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kateari Boyd is licensed in the State of Wisconsin as a Manufactured Homes Salesperson, having license number 1328657, first issued on August 25, 2015, and current through August 26, 2019. Respondent Boyd's most recent address on file with the Department is 899 HWY 73, #12, Wisconsin Rapids, Wis. 54494.
2. Complainant Brian Seramur stated he started monitoring Respondent's emails due to him feeling the Respondent was not answering email leads due to Respondent not regularly working at Heritage Investment Company.

3. While looking at an email from a seller, Seramur noticed a seller's home being sold. Seramur stated he was confused because the seller's home had not been listed. Seramur stated when he brought this to the attention of Respondent, Respondent told him that she had placed a for sale sign on in front of the home. Seramur stated the home could not have a for sale sign placed by them since the home was not on their listing contract, therefore, they could not legally represent the seller.

4. Seramur stated Respondent continued with the transaction of the selling of the home, that Respondent was not legally authorized to transact, without the knowledge of her employer and dealer.

5. Respondent's employment with Complainant ended in August, 2016.

6. On July 27, 2017, Respondent stated that she has not used her Manufactured Homes Sales Person license in over a year, does not work for a Manufactured Homes Dealer, has no intention to use that license again, and agreed to surrender that license.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. §§ 101.952(5) and 218.0116(1)(gm), 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 Boyd violated Wis. Admin. Code §§ SPS 305.323(6)(b) and 305.323(7)(a)1., by failing to complete both the SBD-10807 form for a manufactured home purchase, and the SBD-10808 form when appropriate. Additionally, Respondent's license was voided under Wis. Admin. Code § SPS 305.325(5)(a) when she stopped working under an individual holding a valid Manufactured Homes Dealer license.

3. As a result of the violations noted in the Conclusions of Law, Respondent Boyd is subject to discipline pursuant to Wis. Stat. § 101.952(5).

ORDER

1. The attached Stipulation is accepted.

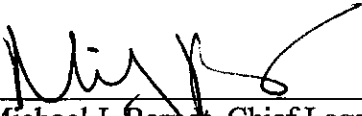
2. Respondent Boyd's Manufactured Homes Salesperson license shall be suspended until the date of that expiration date of that license, August 26, 2019.

3. Respondent Boyd may apply to have her Manufactured Homes Salesperson license reinstated after the first 14 days of the suspension has elapsed and Respondent Boyd provides evidence that she is associated with a Manufactured Homes Dealer.

4. 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 Department 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.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

9/25/17
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

KATEARI BOYD,
RESPONDENT.

:
:
:
:

STIPULATION

0005456

Division of Legal Services and Compliance Case No. 16 COM 163

Respondent Kateari Boyd 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 Department 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. 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 Department's Order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

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

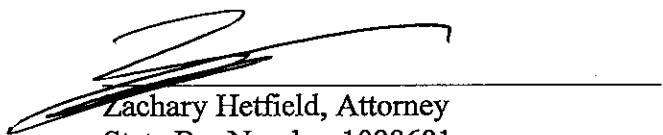
8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.



Kateari Boyd, Respondent
899 HWY 73, #12
Wisconsin Rapids, WI 54494

9-9-17

Date



Zachary Hetfield, Attorney
State Bar Number 1098681
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-9814
zachary.hetfield@wisconsin.gov

9/19/17

Date