

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

JEAN L. NEWTON,
RESPONDENT.

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FINAL DECISION AND ORDER

0005615

Division of Legal Services and Compliance Case No. 16 REB 079

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

Jean L. Newton
7738 Clear Lake Street
Siren, WI 54872

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 Jean L. Newton (DOB 1/2/1946) is licensed by the State of Wisconsin as a real estate broker, having license number 53199-90, first issued on September 6, 2005 and expired on December 15, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7738 Clear Lake Street, Siren, Wisconsin 54872.

2. On August 8, 2016, the Department received a complaint alleging Respondent inappropriately approached sellers who had a listing agreement with another brokerage firm. Division of Legal Services and Compliance Case No. 16 REB 079 was subsequently opened for investigation.

3. The sellers initially had a listing agreement with Respondent. That listing expired on May 31, 2016.

4. Respondent did not provide the sellers with a list of protected buyers after their listing agreement ended.

5. The sellers entered into a new listing agreement with L.O. on June 21, 2016. L.O. inquired about a list of protected buyers but the sellers did not have any such list.

6. On July 30, 2016, at 2:32 p.m., Respondent emailed B.O., supervising broker for L.O., indicating she was able to retrieve a list of protected buyers for the sellers' property, that she had received an offer from a protected buyer, and she would be presenting it to the sellers.

7. On July 30, 2016, at 3:30 p.m., Respondent presented the offer to the sellers.

8. Respondent is retired and does not plan to practice real estate in the future.

9. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her license until December 14, 2021.

3. By the conduct described in the Findings of Fact, Jean L. Newton violated Wis. Stat. § 452.133(1)(a) by failing to provide brokerage services honestly and fairly.

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

5. By the conduct described in the Findings of Fact, Jean L. Newton violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against unethical practices.

6. By the conduct described in the Findings of Fact, Jean L. Newton violated Wis. Admin. Code § REEB 24.13(5) by negotiating a sale of real estate directly with a party even though she knew the party was under an unexpired written contract for exclusive right to sell with another firm.

7. As a result of the above violations, Jean L. Newton is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i), (k) and (L).

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of Respondent Jean L. Newton's right to renew her real estate broker license (number 53199-90) is ACCEPTED.
3. This surrender constitutes Respondent's permanent relinquishment of her real estate broker license and her right to practice real estate in the state of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice real estate in the state of Wisconsin.
4. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Robert Webster EK
A Member of the Real Estate Examining Board

2-2-2018
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEAN L. NEWTON,
RESPONDENT.

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:
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:
:

STIPULATION

0005615

Division of Legal Services and Compliance Case No. 16 REB 079

Respondent Jean L. Newton 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.

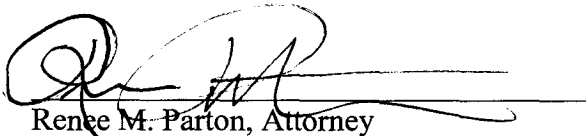
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Jean L. Newton, Respondent
7738 Clear Lake Street
Siren, WI 54872
License no. 53199-90

1-23-18
Date



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

1/26/2018
Date