

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

VIRGINIA A. FUCHS AND
RUBY SLIPPERS HOLDING LLC,
RESPONDENTS.

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FINAL DECISION AND ORDER

0005711

Division of Legal Services and Compliance Case No. 16 REB 030

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

Virginia A. Fuchs
8147 Stanley Rd.
Caledonia, WI 53108-9522

Ruby Slippers Holding LLC
6110 W. Lincoln Ave.
West Allis, WI 53219

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 Virginia A. Fuchs (DOB April 11, 1956) is licensed by the State of Wisconsin as a real estate broker, having license number 54184-90, first issued on December 8, 2006 and current through December 14, 2018. Respondent Fuchs' most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8147 Stanley Road, Caledonia, Wisconsin 53108-9522.

2. Respondent Ruby Slippers Holding LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 701633-91, first issued on December 8, 2006 and current through December 14, 2018. Respondent Ruby Slippers Holding LLC's most recent address on file is 6110 West Lincoln Avenue, West Allis, Wisconsin 53219.

3. Respondent Fuchs is identified in Department records as the owner of Respondent Ruby Slippers Holding LLC.

4. On October 28, 2014, S.R., a brokerage firm, entered into a listing contract with seller C.T. for a property that is at issue in Division of Legal Services and Compliance Case No. 16 REB 030.

5. Respondents, representing buyer C.M., attempted to purchase the property from C.T. through S.R. for several months but complications prevented the sale.

6. On July 15, 2015, S.R.'s listing contract with C.T. expired.

7. On July 17, 2015, S.R. sent C.T. and her Power of Attorney, R.K., a letter naming C.M. as a protected buyer.

8. On July 20, 2015, Respondents entered into a listing contract with C.T. for the subject property.

9. Respondents' listing contract with C.T. failed to identify what type of representation was desired by the seller.

10. Respondents did not inquire of C.T. or S.R. whether C.M. was identified as a protected buyer.

11. On August 4, 2015, buyer C.M. signed an Offer to Purchase which had been prepared by Respondents and identified Respondents as the agent of the buyer.

12. On August 5, 2015, seller C.T. initialed the Offer to Purchase.

13. On September 25, 2015, the transaction on the subject property closed with a single commission check being issued to Respondents.

14. 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. Stat. § 452.133(1)(a) by failing to provide brokerage services honestly and fairly.

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. § 452.133(2)(a)1 by failing to place the client's interests ahead of the interests of the firm.

5. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 16.06(8) by failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms and prepares the addenda.

6. As a result of the above violations, Respondents are subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (4m)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Virginia A. Fuchs is REPRIMANDED.

3. Respondent Ruby Slippers Holding LLC is REPRIMANDED.

4. The real estate broker license (number 54184-90) issued to Virginia A. Fuchs is LIMITED as follows:

a. Within 90 days from the date of this Order, Respondent Fuchs shall successfully complete three hours of remedial education on the topic of approved forms and three hours of remedial education on the topic of 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 Fuchs 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 Fuchs shall pay one-half of the COSTS of this matter in the amount of \$396.

6. Within 90 days from the date of this Order, Respondent Ruby Slippers Holding LLC shall pay one-half of the COSTS of this matter in the amount of \$396.

7. Requests for pre-approval, proof of successful 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

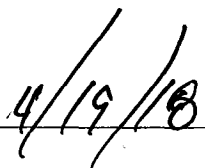
8. In the event Respondents violate any term of this Order, Respondents' licenses (numbers 54184-90 and 701633-91), or Respondents' right to renew their licenses, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

9. 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

VIRGINIA A. FUCHS AND
RUBY SLIPPERS HOLDING LLC,
RESPONDENTS.

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:
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STIPULATION

0005711

Division of Legal Services and Compliance Case No. 16 REB 030

Respondents Virginia A. Fuchs and Ruby Slippers Holding 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.

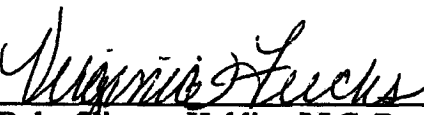
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes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

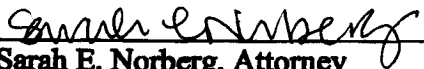
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Virginia A. Fuchs, Respondent
8147 Stanley Rd.
Caledonia, WI 53108-9522
License no. 54184-90

2/14/2018
Date


Ruby Slippers Holding LLC, Respondent
By: Virginia A. Fuchs
6110 W. Lincoln Ave.
West Allis, WI 53219
License no. 701633-91

2/14/2018
Date


Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2.22.18
Date