

## 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  
LAINE ANDERSON, :  
RESPONDENT. : **ORDER UUD6953**

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Division of Legal Services and Compliance Case No. 17 REB 118

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

Laine Anderson  
New Richmond, WI 54017-6592

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). 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 Laine Anderson (Birth Year 1968) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 61222-94, first issued on August 11, 2004 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in New Richmond, Wisconsin 54017.

2. On or about January 7, 2017, the Department received a complaint from a consumer alleging that Respondent failed to disclose to the buyer and the buyer's agent that the private well for the property was not functioning properly when the Respondent knew of this condition prior to the closing of the transaction. The Division of Legal Services and Compliance (Division) subsequently opened Case No. 17 REB 118 for investigation.

3. On October 17, 2016, the buyers signed an Offer to Purchase drafted by their agent, for a property listed by Respondent. The sellers accepted the offer on October 20, 2016.

4. The property had a home inspection on October 22, 2016. The inspection report noted a potential water leak regarding the water line going from the outside hose bib to the pond. Water tests were subsequently conducted which revealed bacteria. However, no water pressure issues were noted during the inspection.

5. On November 4, 2016, the parties agreed to amend the Offer to Purchase to add a water test and inspection. One condition of the amendment was to have the well shocked by a licensed well installer and prove no further issue with bacteria. No condition was accepted regarding the potential water leak noted in the home inspection.

6. On November 14, 2016, a licensed well installer came to the property to chlorinate the well, he noted that the water pressure system was not working correctly, and he had difficulty flushing the system.

7. On November 18, 2016, the office of the well contractor told Respondent Anderson via email, that the property's water system was not working correctly, even though it was working during the prior home inspection and that the homeowner was made aware of the issue.

8. Respondent indicated that the seller represented to her that the well issue was resolved.

9. On December 16, 2016, the property closed. Respondent Anderson had not disclosed any issues regarding the malfunctioning water pressure system to the buyers.

10. After moving into the property, the home buyers discovered that there was an issue with the water pressure system. They called the same well installer whose number was on the pressure tank. The well installer informed the buyers that the system was not working correctly, and that he had notified the past homeowner and his agent of the issue previously.

11. 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 Laine Anderson violated Wis. Stat. § 452.133(1)(a) and (b) by failing to provide brokerage services honestly and

fairly with reasonable skill and care to all parties in a transaction pursuant to Wis. Stat. § 452.133(4m)(a).

3. By the conduct described in the Findings of Fact, Respondent Laine Anderson violated Wis. Stat. § 452.133(1)(c) and Wis. Admin. Code § REEB 24.07(2) by failing to timely disclose in writing all material adverse facts that Respondent knew and the other party did not know and could not discover through reasonable vigilant observation pursuant to Wis. Stat. § 452.133(4m)(a).

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

ORDER:

1. The attached Stipulation is accepted.
2. Respondent Laine Anderson is REPRIMANDED.
3. Respondent Laine Anderson's real estate salespersons license (no. 61222-94) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete a course on the topic of ethics, offered by a provider preapproved by the Board's monitoring liaison, including taking and passing any exam(s) offered for the course(s).
  - b. Respondent 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 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.
4. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$750 and COSTS of this matter in the amount of \$554.00.
5. Payment of costs and forfeiture (made payable to the Wisconsin Department of Safety and Professional Services), requests for pre-approval, and proof of successful course completion, 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

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 61222-94), or Respondent's right to renew her license, may, in the direction of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

By: Thomas J. Rubin  
A Member of the Board

20 August 2020

Date:

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LAINE ANDERSON,  
RESPONDENT.

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:  
:  
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STIPULATION

**ORDER 0006953**

Division of Legal Services and Compliance Case No. 17 REB 118

Respondent Laine Anderson 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. Respondent is represented by Attorney David McGee.

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.

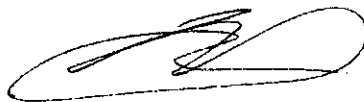
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

Authentisign  
*Laine Anderson*  
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Laine Anderson, Respondent  
New Richmond, WI 54017-6592  
Credential No. 61222-94

08/10/2020  
\_\_\_\_\_  
Date



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David McGee, Attorney for Respondent  
Tomsche, Sonnesyn & Tomsche S.C.  
8401 Golden Valley Rd., Ste 250  
Minneapolis, MN 55427

8/11/2020  
\_\_\_\_\_  
Date

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

8/11/2020  
\_\_\_\_\_  
Date