

## 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

LAKISHA MITCHELL,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007487**

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Division of Legal Services and Compliance Case No. 18 REB 057

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

Lakisha Mitchell  
Kenosha, WI 53140

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 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 Lakisha Mitchell (Birth Year 1979) is licensed by the State of Wisconsin as a Real Estate Broker, having license number 58708-90, first issued on September 9, 2019 and current through December 14, 2022. Respondent was previously licensed in Wisconsin as a Real Estate Salesperson, having license number 82987-94, first issued on November 8, 2016, and expired on December 15, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Kenosha, Wisconsin.

2. On May 29, 2018, the Department received a complaint from E.A., who had signed a listing contract with Respondent on April 10, 2017 for the sale of her rental house. E.A.

raised a number of issues in her complaint. The Division of Legal Services and Compliance (DLSC) opened case number 18 REB 057 for investigation.

3. On November 29, 2018, the Department sent a letter to Respondent asking for a response to the issues raised by E.A. as well as a copy of her entire transaction file. The response was due on December 29, 2018.

4. On December 29, 2018, Respondent emailed her response. This response was a timeline of events in her representation of E.A. Respondent did not include any documentation.

5. On January 3, 2019, Respondent emailed again and stated that she did everything she could to help E.A. sell her home. She stated she was attaching some documents relating to an offer made on E.A.'s home. The two documents provided were a cancellation agreement and mutual release, signed on July 6, 2017, relating to an offer made on May 29, 2017, as well as an offer made on July 3, 2017, which E.A. rejected on July 6, 2017. Respondent did not include any additional documents.

6. In the timeline provided by Respondent, she states that they received a cash offer on April 20, 2017. She stated that E.A. rejected the offer because it was too low. Respondent did not provide any documentation relating to this offer.

7. According to E.A. and Respondent, Respondent found new potential buyers for E.A.'s home, and on October 11, 2017 Respondent prepared a WB-11 Offer to Purchase on their behalf. On this form, Respondent listed herself as the "Agent of Buyer," rather than "Agent of Buyer and Seller." No buyer agency agreement between Respondent and the potential buyers was supplied to the Department.

8. E.A. accepted the offer and it was scheduled to close on November 15, 2017. However, the buyers had trouble obtaining financing for the house, and closing was rescheduled for March 15, 2018. The transaction did not close on March 15, 2018. The Department did not receive any documentation regarding either of the changed closing dates.

9. On March 21, 2018, E.A.'s daughter spoke with Respondent's supervising broker and requested the offer be terminated. E.A. met with the supervising broker on March 23, 2018 and signed a cancellation agreement and mutual release form.

10. Respondent stated in her response to the Department that when the closing was postponed in November 2017, E.A. suggested she go back to renting the house. Respondent stated that she suggested the interested buyers could rent the house with an option to buy.

11. Respondent did not provide a copy of a property management agreement with E.A. or the renters. She also does not reference having prepared or signed such an agreement.

12. Respondent stated in her response to the Department that E.A. agreed to rent to the buyers. Respondent told E.A. she did not need to hire an attorney and that she (Respondent) would get a lease. Respondent provided a lease that did not appear to be from the Wisconsin Realtor Association, an attorney, or from Respondent's broker.

13. Respondent claimed she met in person with E.A. and the renters on December 3, 2017 and everyone signed the lease. However, at the top of the lease document, it states that it was executed on December 1, 2017. Above the signature lines it states, "The parties have agreed and executed this agreement on November 19<sup>th</sup> 2017." Further, next to E.A.'s signature is the date "12/11/2017." There is no date listed next to the renters' signatures.

14. Respondent's salesperson's license and broker's license both lapsed after neither was renewed by December 14, 2020. On January 28, 2021, Respondent renewed her broker's license.

15. According to the Multiple Listing Service (MLS), Respondent listed a house for sale on January 15, 2021.

16. 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. Admin. Code § REEB 16.06(8) by failing to use approved forms in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.08 by failing to put in writing all listing contracts, guaranteed sales agreements, buyer agency agreements, offers to purchase, property management agreements, option contracts, financial obligations and any other commitments regarding transactions, expressing the exact agreement of the parties.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code §§ REEB 16.03(e) and 16.05(3) by failing to use approved forms in a transaction in which the licensee was acting in a capacity as licensee.

5. 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, pursuant to Wis. Stat. § 452.133(4m)(a).

6. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.03 by practicing real estate without a license.

7. As a result of the above violations, Lakisha Mitchell is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i), (L), and (m) and Wis. Admin. Code § REEB 24.17(3).

## ORDER

1. The attached Stipulation is accepted.
2. Respondent Lakisha Mitchell is REPRIMANDED.
3. The real estate broker's license issued to Lakisha Mitchell (no. 58708-90) is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete an education course on the topic of business ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for this course.
  - b. Within ninety (90) days of the date of this Order, Respondent shall successfully complete an education course on the topic of consumer protection offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for this course.
  - c. 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 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.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$814.00.
5. Requests for pre-approval, course certificates 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](mailto:DSPSMonitoring@wisconsin.gov)

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

6. In the event Respondent violates any term of this Order, Respondent's license (no. 58708-90), or Respondent's right to renew her license, may, in the discretion 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. Rulie  
A Member of the Board

28 July 2021  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LAKISHA MITCHELL,  
RESPONDENT.

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STIPULATION  
**ORDER 0007487**

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Division of Legal Services and Compliance Case No. 18 REB 057

Respondent Lakisha Mitchell 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.

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Lakisha Mitchell, Respondent  
Kenosha, WI 53140  
Credential No. 82987-94 and 58708-90

05/28/2021  
\_\_\_\_\_  
Date

  
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Megan Reed, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

05/28/2021  
\_\_\_\_\_  
Date