

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	:	
	:	FINAL DECISION AND ORDER
TAMAIRO A. MOUTRY AND MILWAUKEE'S	:	
BEST REAL ESTATE SERVICES, LLC,	:	
RESPONDENTS.	:	ORDER 0007495

Division of Legal Services and Compliance Case No. 19 REB 113

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

Tamairo A. Moutry
Milwaukee, WI 53216

Milwaukee's Best Real Estate Services, LLC
Milwaukee, WI 53223

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 Tamairo A. Moutry (Birth Year 1972) is licensed by the State of Wisconsin as a real estate broker, having license number 56720-90, first issued on May 30, 2012 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53216.

2. Respondent Milwaukee's Best Real Estate Services, LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 937294-91, first issued on May 8, 2013 and current through December 14, 2022. Respondent's most recent address on file with the Department is in Milwaukee, Wisconsin 53223.

3. Respondent Tamairo A. Moutry is identified in Department records as the responsible licensee in charge of Respondent Milwaukee's Best Real Estate Services, LLC.

4. On October 9, 2019, the Department received a complaint alleging that Respondents did not fulfill their verbal agreement with Complainant to rehabilitate and manage two of Complainant's properties. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 REB 113 for investigation.

5. In April 2018, Complainant purchased two real estate properties in Milwaukee, Wisconsin, with Respondent as agent.

6. On December 2, 2019, the Department emailed Respondent Moutry to request a copy of the transaction file for Complainant's two properties.

7. On December 3, 2019, Respondent Moutry emailed the transaction file to the Department.

8. The Department reviewed the transaction file and determined that it was deficient as follows:

- a. Respondents did not provide Complainant a written copy of the disclosure statement described in Wis. Stat. § 452.135(1)(a).

9. On April 6, 2020, the Department emailed Respondent Moutry to request the complete transaction file, including the written buyer agency agreement and any disclosures provided to Complainant.

10. On April 6, 2020, Respondent Moutry emailed the Department and confirmed that there was no buyer agency agreement between Respondents and Complainant. Respondent Moutry was not able to provide the Department a copy of any disclosure statement provided to Complainant.

11. 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. § 452.135(1)(a) by negotiating on behalf of a party who is not the firm's client without providing to the party a copy of the written disclosure statement provided in this statute.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Tamairo A. Moutry is REPRIMANDED.
3. Respondent Milwaukee's Best Real Estate Services, LLC is REPRIMANDED.
4. Respondent Tamairo A. Moutry's real estate broker license (no. 56720-90) is LIMITED as follows:
 - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete one course of education on the topic of transaction documents from a provider pre-approved 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 stated below.
 - c. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.
5. Within ninety (90) days from the date of this Order, Respondent Tamairo A. Moutry shall pay one-half of the COSTS of this matter in the amount of \$682.00.
6. Within ninety (90) days from the date of this Order, Respondent Milwaukee's Best Real Estate Services, LLC shall pay one-half of the COSTS of this matter in the amount of \$682.00.
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 by Respondents 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 at: <https://dpsmonitoring.wi.gov/>

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 56720-90 and 937294-91), or Respondents' right to renew their credentials, 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: Thomas J. Ralvic
A Member of the Board

28 July 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TAMAIRO A. MOUTRY AND MILWAUKEE'S
BEST REAL ESTATE SERVICES, LLC,
RESPONDENTS.

STIPULATION

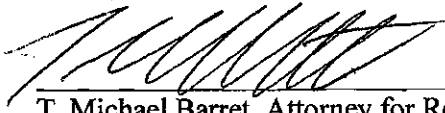
ORDER 0007495

Division of Legal Services and Compliance Case No. 19 REB 113

Respondents Tamairo A. Moutry and Milwaukee's Best Real Estate Services, 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.

Date _____



T. Michael Barret, Attorney for Respondent
The Law Office of T. Michael Barrett
PO Box 5061
Elm Grove, WI 53122

4/23/21

Date



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

04/23/21

Date