

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

DAWN R. STONE,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008031

Division of Legal Services and Compliance Case No. 21 REB 062

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

Dawn R. Stone
Hayward, WI 54843

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. Dawn R. Stone (Respondent), (Year of Birth 1962) is licensed in the state of Wisconsin as a real estate salesperson, having license number 78764-94, first issued on May 20, 2014 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 Hayward, Wisconsin 54843.

2. At all times relevant to this proceeding, Respondent worked as a real estate salesperson at a brokerage located in Edina, Minnesota (Firm).

3. On June 16, 2021, the Department received a complaint stating that Respondent received a cash offer of \$245,000 with no contingencies for her clients (Sellers), but did not notify them of the offer until three days after the offer expired.

4. On June 1, 2021, the Sellers' listing became active on the Multiple Listing Service (MLS). The MLS listing was modified on June 2, 2021 to include a "Best & Final" offer deadline of June 8, 2021 at 3:00 p.m. The listing noted that the Sellers would review all offers at that time.

5. On June 2, 2021, Buyer A submitted an offer with a binding acceptance date of June 4, 2021.

6. On June 4, 2021, Respondent called Buyer A to discuss extending his offer deadline to June 8, 2021, however he responded that he found another property he wanted to see before extending his offer deadline.

7. On June 4, 2021, Respondent spoke with the Sellers and mentioned she would send the offers already received over to them. The Sellers questioned this, asking, "I thought I had to wait to see them until Tuesday [June 8, 2021]?" Respondent replied that was correct and did not email any offers to the Sellers.

8. On June 7, 2021, Respondent called Buyer A again to discuss the deadline extension. Buyer A told Respondent he would think about it but asked for another showing of the property as well as a showing of another property.

9. Also on June 7, 2021, the Sellers reached out to Respondent to ask if Buyer A's offer was still valid, and Respondent told them she is still speaking with Buyer A about it.

10. On June 8, 2021, Buyer A informed Respondent he would not be extending his offer on the Sellers' home as he decided to put in an offer on another property.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 failed to promptly present all offers received to the seller or seller's agent for consideration within the meaning of Wis. Admin. Code § REEB 24.13(2)(b).¹

3. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

¹ Reference to Wis. Admin. Code § REEB 24.13 is to the Code as it existed at the time of the conduct.

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Respondent's license to practice as a real estate salesperson in the state of Wisconsin (license number 78764-94), is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete an educational course on the topic of business ethics offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the 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.
 - c. The Board monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$515.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

6. In the event Respondent violates any term of this Order, Respondent's license (number 78764-94), 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. Ralvic Date 6/16/2022
A Member of the Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAWN R. STONE,
RESPONDENT.

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:

STIPULATION

ORDER 0008031

Division of Legal Services and Compliance Case No. 21 REB 062

Dawn R. Stone (Respondent) 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

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

Dawn R. Stone

Dawn R. Stone, Respondent
Hayward, WI 54843
License No. 78764-94

4/7/22
Date

Alicia Kennedy

Alicia Kennedy, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

5/12/2022
Date