

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

MAIPANHIA MOUA,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0008217

Division of Legal Services and Compliance Case No. 20 REB 001

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

Maipanhia Moua
Oshkosh, WI 54901

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 Maipanhia Moua (Birth Year 1982) is licensed by the State of Wisconsin as a real estate salesperson, having license number 87412-94, first issued on October 23, 2018 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 Oshkosh, Wisconsin 54901.

2. On January 5, 2020, the Department received a complaint alleging that Respondent made several mistakes in a real estate transaction, resulting in a failed transaction. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 REB 001 for investigation.

3. On October 31, 2019, Respondent, representing the buyers, submitted a WB-11 Offer to Purchase (OTP) for a property located in Neenah, Wisconsin.

4. The OTP drafted by Respondent contained the following errors:
 - a. At line 2, Respondent failed to strike "Agent of Buyer and Seller."
 - b. At lines 217-221, Respondent checked the box for a financing contingency but failed to include the type of loan, the amount of the loan, or the monthly payments.
 - c. At line 1-2 of Addendum TR to the Offer to Purchase, Respondent failed to indicate the date of the offer and the names of the buyers.
5. On November 3, 2019, the seller accepted the OTP.
6. On November 3, 2019, the seller's agent submitted a WB-40 Amendment to the OTP to address the errors made by Respondent in the OTP.
7. On November 15, 2019, a home inspection of the subject property revealed the existence of "potential" organic growth in the attic.
8. On November 18, 2019, Respondent submitted a WB-40 Amendment to the OTP which requested a mold inspection be performed at the seller's expense. Respondent did not file a Notice of Defect regarding the potential mold issue.
9. The sellers refused to comply with the mold inspection because there was no testing contingency included in the accepted OTP.
10. On November 18, 2019, Respondent submitted a WB-41 Notice Relating to Offer to Purchase, which stated that the buyers were "rescinding" the offer.
11. On Line 1 of the WB-41 Notice Relating to Offer to Purchase, Respondent failed to strike the word "seller."
12. On November 18, 2019, Respondent submitted a WB-45 Cancellation Agreement & Mutual Release.
13. On December 31, 2019, the property was sold to a different buyer.
14. 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 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.

3. 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.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Maipanhia Moua is REPRIMANDED.
3. Respondent Maipanhia Moua's real estate salesperson license (no. 87412-94) is LIMITED as follows:

Education

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete one education course on the topic of Wisconsin real estate forms from a provider pre-approved by the Board or its designee, 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.

Supervision

- d. Respondent shall at all times practice as a real estate salesperson under the supervision of a Wisconsin licensed real estate broker approved by the Board or its designee. Approval shall be obtained through correspondence with the Department Monitor.
- e. Respondent shall provide a copy of this Order to her current employer and any future employer. Respondent shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- f. Respondent shall arrange for written reports from her broker-supervisor(s)/employer(s) to be provided to the Department Monitor on a

quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance and describe the circumstances of her employment, including the nature and extent of the Respondent's sales activities and whether she has practiced in compliance with all laws governing the practice of real estate as a salesperson, including the Code of Ethics.

- g. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order.
- h. Respondent may petition the Department Monitor for removal of these limitations upon demonstration of continuous, successful practice in compliance with the terms and conditions of the Order for at least two (2) years. "Practice in compliance" includes the submission of work reports, the contents of which are satisfactory to the Board. Respondent's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two (2) years of practice. Any such petition shall be accompanied by a written recommendation from Respondent's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for full licensure shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code Ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

4. Within ninety (90) days from the date of this Order, Respondent Maipanhia Moua shall pay one-half of the COSTS of this matter, for a total amount of \$920.

5. All submissions, including 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 Respondent 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

6. In the event Respondent violates any term of this Order, Respondent's license (number 87412-94), or Respondent's right to renew her license, may, in the discretion of the

STATE OF WISCONSIN
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IN THE MATTER OF DISCIPLINARY
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MAIPANHIA MOUA,
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STIPULATION

ORDER 0008217

Division of Legal Services and Compliance Case No. 20 REB 001

Respondent Maipanhia Moua 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.

Maipanhia Moua
Maipanhia Moua, Respondent
Oshkosh, WI 54901
Credential No. 87412-94

08/27/2022
Date

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

08/29/2022
Date