

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
MARY BRENNAN, :
RESPONDENT. : **ORDER 0008384**

Division of Legal Services and Compliance Case No. 20 REB 072

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

Mary Brennan
Lake Geneva, WI 53147

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 Mary Brennan (Birth Year 1951) is licensed by the state of Wisconsin as a Real Estate Salesperson, having license number 77021-94, first issued on April 10, 2013 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 Lake Geneva, Wisconsin 53147.

2. On August 31, 2020, the Department received a complaint that during the process of Complainant's purchase of a home at 33212 80th Street, Burlington, Wisconsin, Respondent had failed to disclose an adverse material fact regarding the property.

3. The Division of Legal Services and Compliance (DLSC) subsequently opened case number 20 REB 072 for investigation.

4. The property in question was originally listed for sale on March 19, 2020, and an offer to purchase was accepted on March 25, 2020. That buyer (not Complainant) had a home inspection performed, which revealed several deficiencies, including that the fireplace in the residence was inoperable.

5. On April 5, 2020, the parties executed a cancellation and mutual release after the seller declined to correct several of the deficiencies identified by the home inspection. The property was re-listed on April 6, 2020.

6. Complainant submitted an offer to purchase the property on May 7, 2020. The real estate condition report did not disclose a defect in the fireplace.

7. A home inspection completed on Complainant's behalf on May 15, 2020 revealed to them that the fireplace in the residence was inoperable.

8. On May 23, 2020, Respondent provided Complainant with the home inspection report from the cancelled transaction.

9. On November 4, 2020, Respondent provided a response to the complaint.

10. In her response, Respondent admitted that she was aware of the inoperable fireplace and that she had failed to revise the listing and to advise the sellers to update the real estate condition report prior to the Complainant submitting an offer.

11. Respondent also stated that she was dealing with the stress of a family health crisis at the time, and also addressing other deficiencies found in the first home inspection report that were the cause of the cancellation of the first transaction. She claimed that the failure to disclose the defect relating to the fireplace was not a deliberate attempt to cover up the issue, but merely an oversight.

12. 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 24.07(3) by becoming aware of information suggesting the possibility of material adverse facts to the transaction, and failing to disclose this information to the parties in writing and in a timely fashion.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Mary Brennan is REPRIMANDED.
3. The real estate salesperson license of Mary Brennan (license no. 77021-94) is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete one (1) course of education on the topic of approved forms offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for this course.
 - b. Respondent shall submit proof of successful completion of the above 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 requirement may not 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 90 days of the date of this Order, Respondent Mary Brennan shall pay COSTS of this matter in the amount of \$1,089.
5. Any requests for pre-approval, submissions, petitions, or 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online via the Department's Monitoring Case Management System at

<https://dspsmonitoring.wi.gov>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 77021-94), 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. Rabus
A Member of the Board

2/2/23
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY BRENNAN,
RESPONDENT.

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:
:
:
:
:

STIPULATION

ORDER 000838

Division of Legal Services and Compliance Case No. 20 REB 072

Respondent Mary Brennan 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 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.

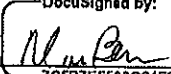
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

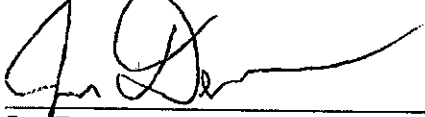
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

DocuSigned by:

Mary Brennan, Respondent
Lake Geneva, WI 53147
Credential No. 77021-94

1/20/2023

Date


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

1/20/2023

Date