



REAL ESTATE BROKERAGE

At Burke, Warren, MacKay & Serritella, P.C., our attorneys represent real estate professionals throughout Illinois and beyond. We counsel real estate brokerage companies, their agents and related professionals on all legal and administrative issues relating to real estate brokerage and the challenges of running a brokerage business, including the following areas.

Brokerage Counseling

We advise brokers and draft office policies and procedures, disclosures, listing agreements, and related documentation to assist brokers in achieving full compliance with the complex and changing federal, state, and local regulations that govern brokerages and broker activities. Staying abreast of these ever-changing regulations is an ongoing challenge. Our attorneys can help you meet these challenges by bringing your organization into compliance and helping to remain so moving forward so that your organization and your agents avoid legal and administrative liability.

Broker Litigation

We have significant experience defending real estate brokers and agents in litigation arising from allegations of failure to disclose claims, negligence, breach of fiduciary duty, statutory violations, fraud, and other professional liability claims. With decades of experience representing real estate brokerage companies and their agents, our attorneys can help you maintain peace of mind when your brokerage company, personal assets, licensure and professional reputation are at stake.

License Defense

We also defend brokerage companies and agents in state and local disciplinary proceedings that put your professional license or certification in jeopardy because of alleged misconduct and/or ethic violations.

PROFESSIONALS

Bradley M. Ader
Rachel E. Bossard
Joshua J. Cauhorn
Christopher E. Kentra
Aaron H. Stanton

RELATED PRACTICES & INDUSTRIES

Litigation
Real Estate



REALTOR® Representation

We represent REALTORS® and brokerages involved in REALTOR® Association disputes, including arbitration, mediation, and ethics complaints before REALTOR® Associations.

Brokerage Startup and Licensing Representation

We have the experience to assist startup brokerages in all aspects of forming a real estate brokerage including establishing the business structure, licensing, and drafting the forms and documents necessary to operate a successful brokerage.

Establishing or buying a real estate brokerage involves unique licensing and compliance issues. Recognizing it is different than a standard business startup, our attorneys have experience in broker and license law and strong backgrounds in business formation and real estate transactions, making us uniquely qualified in representing real estate brokers.

In addition to the critical startup phase, we offer ongoing compliance counsel and litigation services to assist brokers going forward.

Brokerage Mergers & Acquisitions

We are adept in addressing business and regulatory issues that are unique to acquiring real estate brokerage companies. Our attorneys can guide you through the process of developing the appropriate corporate structure to assisting with licensing requirements and all steps in between.

Commercial Broker Liens and Commissions

A commercial broker lien is one way to protect your commission in a commercial transaction. We can advise when a commercial broker lien is appropriate and can help you meet the technical requirements for preparing and filing a lien claim. We understand the relevant statutes and case law regarding broker liens on the sale or lease of commercial property.

Experience

- Represents Chicago's largest residential real estate brokerage company in connection with brokerage compliance, dispute resolution, document drafting, and expansion into other states
- Court dismissed omission and misrepresentation claims against brokerage (@properties) and the individual agent arising out of the sale of vacant lot seeking over \$500,000 in damages alleging fraud (common law and consumer), negligent misrepresentation, and violation of the Illinois Real Estate License Act. *Sickels v. Banas*, Case No. 20 L 435 (Cir. Ct Lake County, Illinois)
- Court granted motion to dismiss negligent misrepresentation claims against brokerage (@properties) and individual broker alleging misstatement is sale and marketing of single family home. *Flasch v. NS Servco, Inc.*, Case No. 17 L 40
- Court granted motion to dismiss (with prejudice) on statute of limitations grounds as to claims by buyer of condominium alleging fraud (common law and consumer) and negligent misrepresentation



against brokerage (@properties) and the individual agents seeking in excess of \$250,000. *Tupper v. MC&P Development Co.*, Case No. 10 CH 42991 (Cir. Ct. Cook County, Illinois)

- Court granted summary judgment in favor of broker, who was also the seller, arising out of the sale of a multi-family apartment building alleging failure to disclose and misrepresentations and violation of the Illinois Real Estate License Act and fraud (common law and consumer) seeking over \$500,000 in damages. *Nabasny v. Broznowski*, Case No. 18 L 009520
- Court dismissed (with prejudice) claims by buyer of condominium against brokerage (@properties) and the individual broker arising out of alleged misrepresentations and omissions the sale and marketing of a condominium unit alleging violations of the Illinois Real Estate License Act and Illinois Consumer Fraud and Deceptive Practices Act, common law fraud, and negligent misrepresentation seeking over \$1 million in damages. *Kjarsgaard v. Reilly*, Case No. 18 L 11552 (Cir. Ct. Cook County, Illinois)
- Court granted motion for summary judgment in favor of brokerage (@properties) and the individual broker of claims by purchaser of single family home seeking over \$700,000 in damages for alleged failure to disclose and misrepresentations in the marketing and sale alleging fraud (common law and consumer), negligent misrepresentation, and violations of the Illinois Real Estate License Act. *Newell v. @properties et. al.* Case No. 18 L 1977
- Court dismissed (with prejudice) claims by condominium association against brokerage (@properties) and the individual broker arising out of the sale and marketing of a new construction condominium building alleging violations of the Illinois Real Estate License Act and Illinois Consumer Fraud and Deceptive Practices Act, common law fraud, and negligent misrepresentation seeking over \$1 million in damages. *2035 New Orleans Condominium Association v. Clark Orleans, Inc. et al.*, Case No. 20 L 2726 (Cir. Ct. of Cook County, Illinois)
- Represented real estate broker in action alleging broker concealed defects in property and asserting claims for negligent misrepresentation, fraud, and for violations of the Illinois Consumer Fraud Act and the Illinois Real Estate License Act, obtaining dismissal of claims with prejudice

Insights

NEWS

Burke Warren a Proud Supporter of The American Red Cross of Greater Chicago 2023 Heroes Breakfast News, [April 27, 2023](#)

Burke Warren Proud to Participate in the Chicago Bar Foundation's 2023 Investing in Justice Campaign News, [April 20, 2023](#)

Burke Warren a Proud Sponsor of the Chicago Hope Academy 2023 Story of Hope Luncheon News, [April 11, 2023](#)

Burke Warren a Proud Member Firm of the Chicago Lawyers' Committee for Civil Rights News, [April 4, 2023](#)



Burke Warren a Proud Supporter of the GI Research Foundation 2023 Annual Ball
News, [February 20, 2023](#)

Burke Warren a Proud Sponsor of 2023 Better Business Bureau of Chicago Annual Dinner Meeting
News, [February 8, 2023](#)

Burke Warren a Proud Sponsor of One Tail at a Time 2023 Houndstooth Ball
News, [February 7, 2023](#)

Burke Warren a Proud Sponsor of Boys & Girls Clubs of Chicago 2023 Youth of the Year Competition & Dinner
News, [January 20, 2023](#)

Burke Warren Partner John Stephens Named Advisory Board Member of AbstoneLalley, Inc.
News, [January 16, 2023](#)

Burke Warren a Proud Supporter of Direct Effect Charities 2022 "Letters to Santa" Program
News, [December 15, 2022](#)

Burke Warren Elects Jessica Cox as Shareholder
News, [December 12, 2022](#)

Burke Warren Elects Stephen Schuster as Shareholder
News, [December 12, 2022](#)

Burke Warren Elects Joshua Cauhorn as Director
News, [December 12, 2022](#)

Season's Greetings and Best Wishes for a Happy New Year From Burke Warren!
News, [December 6, 2022](#)

Christine Eduardo and Mathew Musipa, Participants in Burke Warren's Fall 2022 3L Minority Internship Program, Accept Offers to Join the Firm
News, [December 5, 2022](#)

Burke Warren a Proud Sponsor of Catholic Charities of the Archdiocese of Chicago 2022 Spirit of Saint Nicholas Ball
News, [December 2, 2022](#)

Burke Warren a Proud Sponsor of Chicago Children's Museum 2022 Gala
News, [September 27, 2022](#)

Burke Warren a Proud Sponsor of After School Matters
News, [September 15, 2022](#)

Burke Warren 2022 3L Minority Internship Program Participant Mathew Musipa Quoted in U of I Blog Article Entitled, "Immigration Law Clinic students win two asylum cases"
News, [September 15, 2022](#)



Burke Warren Selects Christine Eduardo and Mathew Musipa to Participate in the Burke Warren 2022 3L Minority Internship Program
News, [August 29, 2022](#)

Burke Warren a Proud Sponsor of Chicago Volunteer Legal Services Vino + Van Gogh 2022 Event
News, [August 24, 2022](#)

Burke Warren a Proud Sponsor of 2022 @gives back Golf Classic
News, [August 19, 2022](#)

Burke Warren a Proud Sponsor of 17th Annual Savills Landlord Challenge Charity Golf Event
News, [August 5, 2022](#)

Burke Warren Launch of New Firm Website Coincides with Firm's 30th Anniversary Milestone
News, [July 28, 2022](#)

Burke Warren Partner John Stephens Quoted in Crain's Chicago Article Entitled, "For Black lawyers, roadblocks to partnership persist"
News, [June 10, 2022](#)

Burke Warren a Proud Supporter of the American Red Cross of Greater Chicago 2022 Heroes Breakfast
News, [May 4, 2022](#)

Burke Warren Cited In Chicago Tribune Article Regarding a Pro Bono Case Recently Undertaken by the Firm
News, [May 3, 2022](#)

Burke Warren Serves as Pro Bono Counsel in Federal Lawsuit Charging Advocate Health and Hospitals Corporation with Racial Discrimination
News, [April 21, 2022](#)

Burke Warren Welcomes Peter Ivancsits as Its Chief Financial Officer
News, [April 18, 2022](#)

Burke Warren Proud to Participate in the Chicago Bar Foundation's 2022 Investing in Justice Campaign
News, [April 6, 2022](#)

Burke Warren a Proud Member Firm of the Chicago Lawyers' Committee for Civil Rights
News, [February 21, 2022](#)

Burke Warren a Proud Sponsor of 2022 Better Business Bureau of Chicago Annual Dinner Meeting
News, [February 16, 2022](#)

Burke Warren a Proud Sponsor of Mercy Home for Boys & Girls of Chicago's 2022 Have Mercy! Gala
News, [February 9, 2022](#)

Burke Warren a Proud Sponsor of 2022 Entrepreneur and Family Business Council Gala
News, [January 25, 2022](#)



Burke Warren Named to Vault's 2022 20 Best Midsize Law Firms to Work For in Chicago News, [December 2, 2021](#)

Burke Warren a Proud Sponsor of 2021 @gives back Golf Classic News, [September 13, 2021](#)

Burke Warren Launches Real Estate Brokerage Practice Group News, [August 23, 2021](#)

ALERTS

Burke Warren Remains Fully Committed to Client Service Through Remote Working Capabilities Alert, [March 18, 2020](#)

Real Estate Broker Law – Legal Update: Change in the Law on Marketing New Construction Condominiums in Chicago Alert, [November 18, 2015](#)