

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

WALTER D. MORGAN
dba PROPERTIES UNLIMITED, INC.
RESPONDENTS

FINAL DECISION AND ORDER
96 REB 321

LS 9712114 REB

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Walter D. Morgan
17505 Bonnie Ln.
Brookfield, WI 53045

Properties Unlimited, Inc.
1570 E. Moreland Blvd.
Waukesha, WI 53186

Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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

1. Walter D. Morgan (D.O.B. 09/13/44) is duly licensed in the state of Wisconsin as a real estate broker (license #32469). This license was first granted on June 21, 1984.
2. Mr. Morgan's latest address on file with the Department of Regulation and Licensing is 17505 Bonnie Ln., Brookfield, WI 53045.

3. Properties Unlimited, Inc. (1570 E. Moreland Blvd., Waukesha, WI 53186) is duly licensed to practice as a real estate corporation in the state of Wisconsin (license #834082). The license was first granted on March 5, 1991.

4. Mr. Morgan is and was at all times relevant to this action the president and managing broker of Properties Unlimited, Inc.

5. Between January 1, 1995 and July 14, 1996, Richard Anthony Suleski practiced real estate sales in Wisconsin as an employee of Properties Unlimited, Inc. During this period of time, Mr. Suleski's Wisconsin license to practice as a real estate salesperson had expired.

CONCLUSIONS OF LAW

The conduct described above constitutes a basis for disciplinary action against the respondents, pursuant to secs. 452.03, 452.12(3), and 452.14, Stats. and Wisconsin Administrative Code RL 17.07 and RL 24.17(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Respondent Walter D. Morgan is REPRIMANDED.
2. Respondent Properties Unlimited, Inc. is REPRIMANDED.
3. Within thirty (30) days from the date of this Order, respondents shall pay partial costs of this proceeding in the amount of ONE HUNDRED dollars [\$100.00].
4. Payment of all costs and forfeitures shall be made *via certified check or money order* payable to the Wisconsin Department of Regulation and Licensing, Attn: Department Monitor, PO Box 8935, Madison, WI 53708-8935.
5. In the event that respondents fail to timely comply with the terms and conditions set forth above, their licenses shall be SUSPENDED, without further notice or hearing, until such time as compliance is gained with the terms of this Order

This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By: 

A Member of the Board

12/11/97
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD


IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
WALTER D. MORGAN,	:	STIPULATION
dba PROPERTIES UNLIMITED, INC.	:	96 REB 321
RESPONDENTS	:	

It is hereby stipulated between Walter D. Morgan, personally on his own behalf and on behalf of Properties Unlimited, Inc.; and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensure by the Division of Enforcement (96 REB 321). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waives their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify; 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondents are aware of their right to seek legal representation and have been provided an opportunity to obtain legal advice prior to signing this stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Real Estate 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.
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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final decision maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with deliberations on the stipulation.

7. The Division of Enforcement joins Respondents in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.




Walter D. Morgan

11-7-97
Date



On behalf of Properties Unlimited, Inc.

11-7-97
Date



Steven M. Gloe, Attorney
Division of Enforcement

11.19.97.
Date

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On December 11, 1997, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: LS9712114REB

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$ 100.00

The costs and/or forfeitures are due: January 10, 1998

NAME: Walter D. Morgan LICENSE NUMBER: 32469

STREET ADDRESS: 17505 Bonnie Lane

CITY: Brookfield STATE: WI ZIP CODE: 53045

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Walter D. Morgan,
d/b/a Properties Unlimited, Inc.,

AFFIDAVIT OF MAILING

Respondents.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On December 16, 1997, I served the Final Decision and Order dated December 11, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9712114REB, upon the Respondents Walter D. Morgan, d/b/a Properties Unlimited, Inc., by enclosing true and accurate copies of the above-described documents in envelopes properly stamped and addressed to the above-named Respondents and placing the envelopes in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt numbers on the envelopes are P 221 157 660 (Morgan) and P 221 157 661 (Properties Unlimited, Inc.).

3. The addresses used for mailing the Decision are the addresses that appear in the records of the Department as the Respondents' last-known addresses and are:

Walter D. Morgan
17505 Bonnie Lane
Brookfield, WI 53045

Properties Unlimited, Inc.
1570 E. Moreland Boulevard
Waukesha, WI 53186

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 16th day of December, 1997.

Walter D. Morgan

Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: WALTER D MORGAN, d/b/a PROPERTIES UNLIMITED INC

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 12/16/97. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935