

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

FINAL DECISION AND ORDER

THOMAS J. YOUNK,  
and  
YOUNK’S FOR REST INC.,  
RESPONDENTS.

LS 9810121 REB  
LS 9801131 REB

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The parties to these disciplinary actions for the purposes of Wis. Stats. sec. 227.53 are:

**Thomas J. Younk**

P.O. Box 23  
Pound WI 54161

**Younk’s For Rest Inc.,**

P.O. Box 23  
Pound WI 54161

**Wisconsin 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 these matters agree to the terms and conditions of the attached Stipulation as the Final Decision of these matters, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Wisconsin Real Estate Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

- Younk’s For Rest Inc.**, ("Rest Inc."), PO Box 23, Pound WI 54161, is a Wisconsin Corporation having State of Wisconsin Real Estate Broker License No. 834600, which was originally granted to Rest Inc., on August 24, 1994. Rest Inc., also does business as Younk’s Realty. License No. 834600 is currently under Suspension.
- Thomas J. Younk** ("Younk"), P.O. Box 23, Pound WI 54161, is a real estate broker having a State of Wisconsin License No. 46698, which was granted on January 12, 1993. His date of birth is January 21, 1964.

License No. 46698 is currently under Suspension.

3. **Rest Inc.**, and **Younk** are respondents in formal disciplinary cases LS 9801131 REB and LS 9810121 REB. These cases are now pending before Administrative Law Judge John N. Schweitzer.

4. These formal disciplinary cases involve allegations of fraudulent conduct on the part of Younk, Rest Inc., and others relating to numerous occasions of misrepresentation in the course of real estate transactions, including the creation of false and factitious documents in support of fraudulent conveyances of real estate titles, fraudulent loan applications and fraudulent real estate appraisals.

5. Rest Inc., and Younk have offered to resolve all of the pending cases by the **Voluntary Revocation** of their real estate licenses pursuant to the terms of the Order set forth below.

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. By engaging in that conduct described in the formal Complaints on file in case numbers LS 9801131 REB and LS 9810121 REB, Respondent **Thomas J. Younk** violated the following:

a. Section 452.14(3)(d) of the Wisconsin Statutes by pursuing a continued and flagrant course of misrepresentation.

b. Section 452.14(3)(i) of the Wisconsin Statutes and section RL 24.085 of the Wisconsin Administrative Code, by drafting or using false documents which he knew falsely portrayed an interest in real estate, thereby demonstrating incompetency to act as a broker in a manner which safeguards the interests of the public.

c. Section 452.14(3)(k) of the Wisconsin Statutes by engaging in fraudulent conduct consisting of drafting and using documents related to real estate transactions containing false information for the purpose of obtaining record title to real estate and for the purpose of obtaining mortgage loans under false pretenses.

d. Section 452.14(3)(i) of the Wisconsin Statutes and sections RL 18.031, 18.13(1), 18.13(2), 18.13(3), 18.13(4) and 24.08 of the Wisconsin Administrative Code, by failing to comply with real estate trust account requirements; failing to extend closing dates in writing; failing to deposit earnest money within the required time limits; failing to draft closing statements reflecting actual deposits and disbursements; and by failing to amend purchase agreements to accurately reflect appropriate acceptance of offers to purchase and counter offers.

4. Respondent **Younk's For Rest Inc.**, is subject to discipline pursuant to sections 452.12(3)(a) and 452.14(4) of the Wisconsin Statutes.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that the **Voluntary Revocation** of the Real Estate Broker's license of Respondent **Thomas J. Younk**, credential #90-46698, is hereby accepted.

IT IS FURTHER ORDERED, that all rights and privileges heretofore granted to Respondent **Thomas J. Younk** pursuant to real estate broker license #90-46698 are forever terminated effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED, that Respondent **Thomas J. Younk** shall not be granted a credential under chapter 452 of the Wisconsin at any time in the future. The denial, in whole or in part, of any application or petition by **Thomas J. Younk** for a credential authorized under chapter 452 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that the **Voluntary Revocation** of the Real Estate Broker's license of Respondent **Younk's For Rest Inc.**, credential #91-834600, is hereby accepted.

IT IS FURTHER **ORDERED**, that all rights and privileges heretofore granted to Respondent **Younk's For Rest Inc.**, pursuant to real estate broker license #91-834600 are forever terminated effective at 11:59 P.M. on the date of this Order as set forth below.

IT IS FURTHER ORDERED, that Respondent **Younk's For Rest Inc.**, shall not be granted a credential under chapter 452 of the Wisconsin at any time in the future. The denial, in whole or in part, of any application or petition by **Younk's For Rest Inc.**, for a credential authorized under chapter 452 of the Wisconsin Statutes shall not constitute denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that formal cases LS 9801131 REB and LS 9810121 REB be, and hereby are closed as to Respondents Thomas J. Younk and Younk's For Rest Inc., and not as to any other Respondent.

Dated this 28th day of January, 1999.

**WISCONSIN REAL ESTATE BOARD**

By: James Imhoff

A member of the Board

