

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN BEFORE THE REAL ESTATE BOARD
IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST

THOMAS E. WARMINGTON,

RESPONDENT

FINAL DECISION AND ORDER

LS 9910283REB

Division of Enforcement Case No. 97 REB 285

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

*Thomas E. Warmington
PO Box 1902
Brookfield, WI 53008-1902*

*Real Estate Board
PO Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO 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. Thomas E. Warmington (D.O.B. 03/16/47) is duly licensed to practice as a Real Estate Broker in the state of Wisconsin (license #8972). This license was first granted on October 10, 1968.
2. Mr. Warmington's most recent address on file with the Department of Regulation and Licensing is PO Box 1902, Brookfield, WI 53008-1902.
3. On or about October 1, 1997, the Wisconsin Supreme Court revoked the attorney license of Respondent due in part to conduct relevant to management of Respondent's client trust account. A true and correct copy of the decision of the Court in this matter is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.

4. In resolution of this matter, Mr. Warmington consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW and Order.

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to sec. 440.20, 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. The conduct described above constitutes a basis for discipline under Wis. Stats. 452.14(3)(i), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED the license of Thomas E. Warmington (license #41309)

to practice as a Real Estate Broker in the State of Wisconsin shall be **LIMITED** as follows:

SCOPE OF PRACTICE: LIMITATIONS AND CONDITIONS

Disclosure

1. Respondent shall provide any current or prospective supervising broker with a copy of this Final Decision and Order immediately upon issuance of this Order, and upon any change of supervising broker during the time in which the Order is in effect.

Required reporting

2. Respondent shall report to the Board any change of supervising broker, change in real estate practice status, change of residence address or phone number, within thirty (30) days of any such change.

3. Respondent shall practice real estate only under the supervision of another broker acceptable to the Board. Respondent's supervising broker shall report immediately to the Department Monitor any violation or suspected violation of any rules and regulations pertaining to the practice of real estate in Wisconsin, or of this Final Decision and Order. Respondent shall notify the Department Monitor immediately if for any reason his supervising broker ceases to serve in that capacity. Respondent's current managing broker, James Bizjak, of Coldwell Banker Residential Brokerage, is acceptable to the Board.

4. Respondent shall comply with all rules and regulations pertaining to the practice of real estate and shall personally notify the Department Monitor immediately of any violation by Respondent of the rules and regulations pertaining to the practice of real estate.

Practice restrictions

5. Until such time as approved by the Board:

- a. Respondent shall practice only in settings where he works under supervision by another real estate broker; and
- b. Respondent shall refrain from real estate employment where he is solely responsible for real estate trust funds or other real estate trust assets.

Petition for Modification of restrictions

6. At any time following five (5) years from the effective date of this Order, Respondent may petition the Board for removal of the limitations upon his license. In conjunction with any petition submitted under this Order; Respondent shall submit a) documentation from the Department Monitor of full, successful and continuous compliance with the terms of this Order; and b) documentation from the criminal justice system showing no arrests leading to convictions or convictions during the previous five (5) years. (Pursuant to Respondent's request and payment of any usual and customary fees, the Department Monitor shall arrange for a criminal background check on Respondent in satisfaction of this requirement.) Upon receipt of acceptable documentation, the Board shall issue an order restoring Respondent to full and unrestricted licensure.

Department monitor

7. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions, and requesting additional monitoring and surveillance. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 261-7938

SUMMARY SUSPENSION

8. Alleged violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license following the procedures set forth in Wis. Admin. Code ch. RL 6. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

EFFECTIVE DATE OF ORDER

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

REAL ESTATE BOARD

By:

Richard E. Hinsman

October 28, 1999

On behalf of the Board

Date