

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	:	
	:	FINAL DECISION AND ORDER
DENNIS C. MIDTHUN &	:	
REAL ESTATE PREFERRED, INC.,	:	
D/B/A REMAX PREFERRED,	:	LS0412027REB
RESPONDENTS.	:	

The parties to this action for the purpose of Sec. 227.53, Stats., are:

Dennis C. Midthun
6442 Normandy Lane
Madison, WI 53719

Real Estate Preferred, Inc.
D/B/A ReMax Preferred
6442 Normandy Lane
Madison, WI 53719

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 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 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. Dennis C. Midthun, date of birth November 13, 1956, is licensed in the State of Wisconsin as a real estate broker having license number 90-39448. This license was first granted to him on January 8, 1987, and is current through December 31, 2004. Mr. Midthun's most recent address on file with the Department of Regulation and Licensing is 6442 Normandy Lane, Madison, WI 53719.

2. At all times relevant to the facts set forth below Mr. Midthun was the real estate broker /president of Real Estate Preferred, Inc., d/b/a ReMax Preferred, 6442 Normandy Lane, Madison, WI 53719, licensed as a Real Estate Business entity and having license number 91-834236. This license was first granted on March 2, 1992, and is current through December 31, 2004.

3. On January 1, 1997, Steven S. Gilbertson , an employee of Real Estate Preferred, Inc., d/b/a ReMax Preferred, Wisconsin real estate broker's license expired and was not renewed until March 1, 2001.

4. Sometime in January 2001, the Operation Manager for Real Estate Preferred, Inc., d/b/a ReMax Preferred,

discovered that Mr. Gilbertson's broker's license expired on January 1, 1997, and notified the Department of Regulation and Licensing (Department).

5. The Department contacted Real Estate Preferred, Inc., d/b/a ReMax Preferred, regarding Mr. Gilbertson's real estate sales activities after his license had expired.

6. In response to the Department's inquiry, a report pertaining to Mr. Gilbertson's real estate production was supplied by Real Estate Preferred, Inc., d/b/a ReMax Preferred, which indicated that he had been involved in at least 12 real estate transactions while unlicensed and while yet employed by Real Estate Preferred, Inc. A copy of the report is attached as **Exhibit A** and is incorporated herein by reference.

CONCLUSIONS OF LAW

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

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

3. Respondents **Dennis C. Midthun and Real Estate Preferred, Inc., d/b/a ReMax Preferred**, have violated:

a. Sections RL 17.07, and RL 24.17(3) of the Wisconsin Administrative Code and section 452.12(3)(a) of the Wisconsin Statutes by failing to check Steven C.

Gilbertson licensing status in a timely fashion and in allowing him to act as a real estate agent in at least twelve real estate transactions while he was unlicensed from January 1, 1997, until March 1, 2001.

ORDER

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

IT IS FURTHER ORDERED, that Respondent **Dennis C. Midthun**, license number 90-39448, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that **Real Estate Preferred, Inc., d/b/a ReMax Preferred**, license number 91-834236, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Dennis C. Midthun**, pay **partial costs** of this matter in the amount of \$500.00, within 30 days of the date of this Order. Payment shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to: **Department Monitor, Division of Enforcement, Department of Regulation and Licensing, Post Office Box 8935, Madison, WI 53708-8935**.

IT IS FURTHER ORDERED, that in the event Respondent **Dennis C. Midthun** fails to pay the \$500.00 **partial costs** within the time and manner as set forth above, then and in that event, and without further notice to the Respondent **Dennis C. Midthun**, his real estate broker's license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 01 REB 056 be, and hereby is, closed as to Respondents **Dennis C. Midthun and Real Estate Preferred, Inc., ReMax Preferred**.

Dated this 2nd day of December, 2004.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger
A member of the Board