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:	ORDER OF
:	SUMMARY SUSPENSION
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DOE case file number 06 REB 064

This matter came before the Real Estate Board as scheduled and noticed in the Notice and Petition for Summary Suspension filed on June 19, 2006. Attorney John Nicholas Schweitzer appeared; there was no appearance by the respondent. The allegations in the Petition, sworn to by the Petitioner as true upon information and belief, were used as the basis for the decision to issue this order as well as certified copies of the criminal complaint and judgment of conviction in Milwaukee County case 2006CF001602.

FINDINGS OF FACT

- 1. The Respondent is Thomas E. Marquardt. Mr. Marquardt's last-known address on file with the Department of Regulation and Licensing is 2376 North 72nd St., Wauwatosa, WI 53213. Information received from the Milwaukee Clerk of Courts indicates that he will be incarcerated in the House of Correction for 90 days starting 6/13/06 with Huber release privileges. Mr. Marquardt holds real estate salesperson's license number 94-53456 issued by the Wisconsin Department of Regulation and Licensing on 7-31-01.
- 2. As evidenced by a certified copy of a Judgment of Conviction for case number 2006CF001602 from the Milwaukee County Clerk of Courts, Mr. Marquardt on 4-14-06 pled "no contest" to and was convicted of three felony counts of Theft by False Representation of more than \$10,000.
- 3. The circumstances of Mr. Marquardt's felony convictions for theft by false representation are substantially related to the practice of real estate and the convictions constitute grounds for discipline under sec. RL 24.17 (2), Wis. Admin. Code and sec. 452.14 (3) (i), Wis. Stats.
- 4. The allegations of the criminal complaint, to which Mr. Marquardt pled "no contest" on 4-14-06, establish that Mr. Marquardt has violated sec. RL 24.03 (2) (b), Wis. Admin. Code and sec. 452 (3) (k), Wis. Stats.
- 5. Mr. Marquardt has engaged in and is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Mr. Marquardt's real estate salesperson's license.
- 6. Under sec. RL 6.05, Wis. Admin. Code, a petition for summary suspension may be presented to the licensing authority only after notice has been given to the respondent of the time and place when the petition will be presented. Notice was given by mailing and faxing a copy of the petition and notice to the last-known verified residence of the respondent at the Milwaukee House of Correction, and notice by mail is complete upon mailing.

CONCLUSION OF LAW

The legal requirements for the summary suspension of the Respondent's Real Estate Salesperson's License have been fulfilled pursuant to Wis. Adm. Code, chapter RL 6.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Real Estate Salesperson's License issued to Thomas E. Marquardt is SUSPENDED as of the date of this order, and shall remain suspended until a final decision and order is issued in this matter,

or until further order. Respondent shall surrender his credentials immediately to the following address:

Department of Regulation and Licensing Attn: Pamila Majewski, Paralegal P.O. Box 8935 Madison, WI 53708

Signed and dated June 22, 2006,

FOR THE REAL ESTATE BOARD:

Peter Sveum

To: Inmate Thomas Marquardt House of Correction 8885 S. 68 St. Franklin, WI 53132

> Thomas Marquardt 2376 North 72 St. Wauwatosa, WI 53213

NOTICE OF RIGHT TO SHOW CAUSE

PLEASE TAKE NOTICE that you have the right to request a hearing following the issuance of this order to show cause why the order should not be continued until the effective date of a final decision and order. A request to show cause must be filed with the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708. If a hearing to show cause is requested, the hearing shall be scheduled before an Administrative Law Judge on a date within twenty (20) days of the date of receipt by the Department of the request for hearing, unless you request or agree to a later time.

If a hearing to show cause is held, you may testify as well as the petitioner. You and the petitioner may call witnesses and examine and cross-examine them. The petitioner will have the burden to show why the order should be continued. At the conclusion of the hearing, the Administrative Law Judge will make findings of fact and conclusions of law and recommend a final decision and order to the Real Estate Board. If it is determined that the summary suspension should not be continued, your license will be restored to you.

June 22, 2006