

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
THOMAS R. BLOUNT, : LS0710181REB
RESPONDENT. :

Division of Enforcement case file 05 REB 086

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Thomas R. Blount
24622 74th St.
Paddock Lake, WI 53168

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

PROCEDURAL HISTORY

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 Wisconsin Real Estate Board (“Board”).

The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Thomas R. Blount is licensed in the State of Wisconsin as a Real Estate Broker having license #90-51422. This license first granted to him on February 3, 2003. Mr. Blount’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 24622 74th St., Paddock Lake, WI 53168.
2. On May 21, 2002, Mr. Blount entered into a listing agreement giving him the exclusive right to sell property at 901 Vin in Racine for the owners. This property was eventually sold to Eric and Jamie Hinson.
3. Mr. Blount prepared an office form to list the property on MLS. He left blank the entry for “zoning”. A clerical person at Blount’s office filled in the entry as “residential” before submitting it to MLS. The zoning for the property was C-1 commercial.
4. When the Hinsons later tried to sell the property, they discovered that the zoning was commercial and they encountered difficulty in obtaining buyers, and prospective buyers encountered difficulties obtaining financing because the property was commercial. The Hinsons complained to the Department of Regulation and Licensing that they would not have made the offer to purchase the property if they had known it was zoned commercial.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. By failing to ascertain or verify the zoning of property which he sold as residential, Respondent Thomas R. Blount is subject to discipline for the following violations:

a. Wis. Adm. Code sec. RL 24.025 Agency: (1) RESPONSIBILITIES RELATING TO A CLIENT AND OTHERS. Licensees shall represent the interests of their client as an agent. Licensees owe all parties the duties under s. 452.133 (1), Stats. ...

b. Wis. Adm. Code sec. RL 24.04 Advertising: (1) FALSE ADVERTISING. Licensees shall not advertise in a manner which is false, deceptive, or misleading. ...

c. Wis. Adm. Code sec. RL 24.07 Inspection and disclosure duties: ...

(2) DISCLOSURE OF MATERIAL ADVERSE FACTS. A licensee may not exaggerate or misrepresent facts in the practice of real estate. A licensee, when engaging in real estate practice, shall disclose to each party, in writing and in a timely fashion, all material adverse facts that the licensee knows and that the party does not know or cannot discover through a reasonably vigilant observation, unless the disclosure of the material adverse fact is prohibited by law. This provision is not limited to the condition of the property, but includes other material adverse facts in the transaction. ...

d. Wis. Stat. sec. 452.133 Duties of brokers: (1) Broker's duties to all persons in a transaction. A broker who is providing brokerage services to a person in a transaction owes all of the following duties to the person: ...

(b) The duty to provide brokerage services with reasonable skill and care.

(c) The duty to timely disclose in writing all material adverse facts that the broker knows and that the person does not know or cannot discover through reasonably vigilant observation, unless the disclosure of a material adverse fact is prohibited by law. ...

e. Wis. Stat. sec. 452.14 Investigation and discipline of licensees: ...

(3) Disciplinary proceedings shall be conducted by the board according to rules adopted under s. 440.03 (1). The board may revoke, suspend or limit any broker's, salesperson's or time-share salesperson's license or registration, or reprimand the holder of the license or registration, if it finds that the holder of the license or registration has: ...

(i) Demonstrated incompetency to act as a broker, salesperson or time-share salesperson in a manner which safeguards the interests of the public; ...

ORDER

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

IT IS FURTHER ORDERED that Thomas R. Blount is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Thomas R. Blount pay the Department's costs of this matter in the amount of **\$955.65** within 60 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 the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 261-7904

In the event Mr. Blount fails to pay the costs within the time and in the manner as set forth above, his Real Estate Broker's license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said

suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 05 REB 086 be closed.

Dated this 18th day of October, 2007.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A member of the Board