

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ADAM D. BURKHALTER,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0001546

Division of Enforcement Case No. 11 REB 068

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Adam D. Burkhalter
314 Filardo Ct.
Mineral Point, WI 53565

Wisconsin Real Estate Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Enforcement
Department of Safety and Professional Services
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 Wisconsin Real Estate Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Adam D. Burkhalter (dob 04/27/1977) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 94-69750, first issued on 03/23/2007 and current through 12/14/2012. Mr. Burkhalter's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 314 Filardo Ct., Mineral Point, WI 53565.

2. On or about March 29, 2011, Mr. Burkhalter submitted a real estate broker license application to the Department and answered "YES" to the following question:

Have you ever been convicted of a misdemeanor or a felony, or driving while intoxicated (DWI), in this or any other state, OR are criminal charges or DWI charges currently pending against you?

3. Along with his application, Mr. Burkhalter provided the Department's Convictions and Pending Charges form and indicated convictions for Obstructing an Officer and Battery and a pending charge of Operating with a PAC of Over .02.

4. In July 2011, the Department denied Mr. Burkhalter's application for a real estate broker license. The matter was referred to the Division of Enforcement and case number 11 REB 068 was subsequently opened for investigation.

5. The Department's investigation revealed the following:

a. On or about September 28, 2010, Mr. Burkhalter was convicted of a misdemeanor of Operating While under Influence (4th). (Iowa County case number 2010CT000029)

b. On or about February 10, 2011, Mr. Burkhalter was convicted of a felony of Operating with PAC of .02 or More (5th or 6th) and two misdemeanor counts of Bail Jumping. Mr. Burkhalter was sentenced, in part, to 6 months jail time and 3 years probation. (Richland County case number 2010CM000081)

c. On or about February 15, 2011, Mr. Burkhalter was convicted of a misdemeanor charge of Battery. (Sauk County case number 2010CM000232)

d. On or about February 15, 2011, Mr. Burkhalter was convicted of a misdemeanor charge of Resisting or Obstructing an Officer. (Sauk County case number 2010CM000311)

6. Mr. Burkhalter failed to notify the Department of the convictions within 30 days of the judgments of conviction.

7. In resolution of this matter, Respondent Adam D. Burkhalter consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § RL (now REEB) 24.17(1) by violating laws the circumstances of which substantially relate to the practice of a real estate salesperson and by failing to report convictions to the Department within 30 days after the judgments of conviction.

3. As a result of the above violations, Respondent Adam D. Burkhalter is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(a) and (L) and Wis. Admin. Code § RL (now REEB) 24.17(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent Adam D. Burkhalter is hereby REPRIMANDED.
2. The Real Estate Salesperson license of Adam D. Burkhalter (license number 94-69750) is LIMITED as follows:
 - a. Respondent shall successfully complete all terms of probation ordered by Richland County Circuit Court.
 - b. Respondent shall submit a yearly report from his probation officer describing his compliance with the terms of his probation.
 - c. Respondent shall submit proof of completion of probation in the form of verification from the Richland County Circuit Court to the Department Monitor at the address stated below.
 - d. This Limitation shall be removed from Respondent's license after he has satisfied the Board or its designee that he has successfully completed the ordered probation.
3. Within 90 days of the date of this Order, Respondent Burkhalter shall pay COSTS of this matter in the amount of \$298.00.
4. Within 180 days of the date of this Order, Respondent Burkhalter shall pay a FORFEITURE in the amount of \$1,000.00.
5. The forfeiture and costs in this matter shall be made payable to the Wisconsin Department of Safety and Professional Services and shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264
6. In the event Respondent Burkhalter fails to successfully complete probation as ordered by Richland County Circuit Court, Respondent Burkhalter's license, number 94-69750, may, in the discretion of the Board or its designee, be REVOKED, without further notice or hearing.
7. 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. 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. In the event Respondent fails to timely submit payment of the forfeiture or costs in this matter as ordered and as set forth above, Respondent's license (no. 94-69750) may, in the discretion of the Board, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the forfeiture and costs.

8. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

5-10-12
Date