

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

HOLLY A. TOMLANOVICH,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001978

Division of Enforcement Case No. 12 REB 001

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

Holly A. Tomlanovich
836 Hwy 45 S
Eagle River, WI 54521

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 Holly A. Tomlanovich (dob 10/28/1950) is licensed in the State of Wisconsin as a Real Estate Broker, having license number 90-33731, first issued on 02/15/1985 and current through 12/14/2012. Ms. Tomlanovich's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 836 Hwy 45 S, Eagle River, WI 54521.

2. Respondent Tomlanovich was previously disciplined by the Wisconsin Real Estate Board (now Wisconsin Real Estate Examining Board) on February 17, 2011 for real estate trust account violations and for practicing with an expired real estate broker license.

3. On or about July 14, 2011, a Department auditor visited Respondent Tomlanovich's business to conduct an audit of her real estate trust account.
4. The July 14, 2011 audit revealed that Respondent Tomlanovich's real estate trust account was overdrawn by more than \$1,800.
5. On July 14 2011, Respondent Tomlanovich was unable to produce required journals, ledgers, reconciliations, and trial balances for any month since her February 2011 discipline.
6. On September 21, 2011, Respondent Tomlanovich sent the Department her July 31, 2011 statements which showed errors and was also overdrawn by \$356.50.
7. Since September 21, 2011, Respondent Tomlanovich has missed three extended deadlines for furnishing complete and correct reports.
8. In resolution of this matter, Respondent Tomlanovich 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 Tomlanovich violated Wis. Stat. § 452.133(1)(f) and Wis. Admin. Code §§ RL (now REEB) 18.13(3) and (5) by failing to properly maintain a bookkeeping system and reconcile the real estate trust account.
3. As a result of the above violations, Respondent Tomlanovich is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(i) and (L).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The Real Estate Broker license of Holly A. Tomlanovich (license number 90-33731) is hereby SUSPENDED for a period of sixty (60) days beginning twenty (20) days after the date of this Order.
3. The Real Estate Broker license of Holly A. Tomlanovich (license number 90-33731) is LIMITED as follows:
 - a. Respondent may only maintain a real estate trust account under the supervision of a licensed real estate broker who is pre-approved by the Board.

i. Respondent shall submit, in writing, the name, address and license number of any licensed real estate broker she proposes to provide the above described supervision. Such information shall be sent to the Department Monitor at the address listed below.

ii. Any real estate broker selected for supervision shall:

- hold an active license to practice as a real estate broker in the State of Wisconsin;
- not have any history of discipline against his or her real estate broker credential with the State of Wisconsin or any other State;
- have read this Final Decision and Order; and
- agree, in writing, to supervise Respondent with respect to her trust account.

b. Following Respondent's license suspension, Respondent shall submit a monthly report to the Department Monitor at the address listed below by the 15th day of each month. The report shall include:

i. A trial balance that itemizes, by owner's name, all rent money and security deposits Respondent is holding at the statement closing date;

ii. Bank statements for Respondent's real estate trust account;

iii. A reconciliation in accordance with Wis. Admin. Code § REEB 18.13(3) that includes a numbered list of outstanding checks;

iv. The check register showing all real estate trust account transactions for the period in chronological order, along with a daily running balance; and

v. Accounting statements provided to all owners showing how much was collected and spent on each owner's behalf.

4. The Board or its designee may require Respondent and her supervising broker to appear before it at any time, provided that written notice is given to Respondent at her most recent address on file with the Department at least 30 days before any scheduled meeting.

5. Respondent Tomlanovich may petition the Board for removal of this limitation after Respondent Tomlanovich has provided six complete and correct reports.

6. Within 90 days of the date of this Order, Respondent Tomlanovich shall pay COSTS of this matter in the amount of \$295.00.

7. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

8. 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 costs as ordered, Respondent's license (no. 90-33731) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

8-16-12
Date