

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 :
 : FINAL DECISION AND ORDER
THOMAS C. MUNDERLOH, :
RESPONDENT. :
ORDER 0007496

Division of Legal Services and Compliance Case No. 19 REB 126

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

Thomas C. Munderloh
Baraboo, WI 53913

Wisconsin Real Estate Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Thomas C. Munderloh (Birth Year 1977) is licensed by the State of Wisconsin as a real estate salesperson, having license number 83075-94, first issued on November 30, 2016 and which expired on December 14, 2020.¹ Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Baraboo, Wisconsin 53913.

2. On November 15, 2019, the Department received a self-report from Respondent informing the Department that he had been arrested and charged with OWI-4th in Sauk County Court Case No. 19CF207. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 REB 126 for investigation.

¹ As of 12/15/20 – Renewal application is under review by Division of Credentialing

3. On November 28, 2016, Respondent submitted an application for a real estate salesperson license in which he falsely stated that he had not been convicted of any criminal offenses.

4. On December 18, 2019, Department staff discovered that Respondent had failed to report the following criminal convictions on his November 28, 2016 real estate salesperson license application:

- a. Sometime in 2007, OWI-1st, an ordinance violation, in La Crosse.
- b. April 14, 2010: Operating with a PAC 0.08 or more, a misdemeanor, in violation of Wis. Stat. § 346.63(1)(b), in La Crosse County Circuit Court Case No. 10CT188,
- c. June 14, 2013: OWI-3rd, a misdemeanor, in violation of Wis. Stat. § 346.63(1)(a), in Columbia County Circuit Court Case No. 12CT159,
- d. June 14, 2013: Three counts of Bail-Jumping, misdemeanors, in violation of Wis. Stat. § 946.49(1)(a), in Columbia County Circuit Court Case No. 13CM274, and
- e. June 11, 2019: Hit and run-unattended vehicle, an ordinance violation, in violation of Wis. Stat. § 346.68, in Sauk County Circuit Court Case No. 19TR3179.

5. On November 15, 2019, Respondent was convicted of OWI-4th, a felony, in violation of Wis. Stat. § 346.63(1)(a), in Sauk County Court Case No. 19CF207.

6. Respondent was sentenced to six months in jail, a revocation of his driver's license for three years, three years with an ignition interlock system, an AODA assessment, payment of a fine, and was placed on probation for a period of three years.

7. In resolution of this matter, Respondent 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 § REEB 24.17(1) by violating a law the circumstances of which substantially related to the practices of a real estate license and failing to report his conviction within 48 hours after the judgment of conviction.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.14(3)(a) by making a material misstatement in the application for a license or registration, or in any information furnished to the board or department.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Thomas C. Munderloh's real estate salesperson license (no. 83075-94) is hereby SUSPENDED for seven (7) business days, beginning ten (10) calendar days from the date of this Order.

3. Respondent Thomas C. Munderloh's real estate salesperson license (no. 83075-94) is FURTHER LIMITED as follows:

Practice Limitations

a. Respondent shall not drive a current or prospective client in any motor vehicle that requires a Department of Transportation issued license for the purposes of his profession.

b. While conducting real estate business, Respondent shall abstain from all use of alcohol and illicit substances.

c. Respondent shall at all times practice as a real estate salesperson under the supervision of a Wisconsin licensed real estate broker approved by the Board. Approval shall be obtained through correspondence with the Department Monitor.

d. Respondent shall notify his broker-employer of his history of arrests and convictions prior to employment and shall provide a copy of this Order to his supervisor at all business entities where he works as a real estate salesperson.

e. Respondent shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any conviction resulting from his pending charge.

Other

f. Respondent shall comply with all court orders in Sauk County Court Case No. 19 CF 207.

g. Respondent shall provide a copy of this Order to all current and/or future employers.

Petitions for Modification

h. Respondent may petition the Board for modification or termination of any of these limitations after completion of two (2) years of practice in compliance with all terms and conditions of this Order. Respondent's petition must include

his history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two (2) years of practice. Any such petition shall be accompanied by a written recommendation from Respondent's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment.

i. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

4. Within ninety (90) days from the date of this Order, Respondent Thomas C. Munderloh shall pay the COSTS of this matter in the amount of \$1,085.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 83075-94), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Rebie
A Member of the Board

28 July 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

THOMAS C. MUNDERLOH,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007496

Division of Legal Services and Compliance Case No. 19 REB 126

Respondent Thomas C. Munderloh and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Thomas C. Munderloh, Respondent
Baraboo, WI 53913
Credential No. 83075-94

4/21/21
Date

Zachary Hetfield
Zachary Hetfield, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

04/22/21
Date