

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
NICOLE W. OVERLAND (STROBEL), :
RESPONDENT. :

ORDER 0008218

Division of Legal Services and Compliance Case No. 21 REB 001

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

Nicole W. Overland (Strobel)
River Falls, WI 54022

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 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 Nicole W. Overland (Strobel) (Birth Year 1982) is licensed by the State of Wisconsin as a real estate salesperson, having license number 88123-94, first issued on February 13, 2019 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in River Falls, Wisconsin 54022.

2. On January 5, 2021, Respondent reported to the Department that she had been convicted of Driving Under the Influence and Resisting an Officer. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 REB 001 for investigation.

3. On December 5, 2019, Respondent was pulled over for speeding at 2:05 a.m. During the traffic stop, Respondent told the police officer that she was a realtor and was working

on videos for work and was now headed home. Respondent was eventually found to be intoxicated and was arrested for Operating While Intoxicated (OWI) and Resisting an Officer.

4. On January 4, 2021, Respondent was convicted of OWI (3rd) and Resisting an Officer, both misdemeanors, in Pierce County Circuit Court Case No. 2020 CM 56. Her sentence included 65 days in jail, a fine and court costs, a 24-month revocation of her driver's license, an AODA assessment, and use of an ignition interlock for 24 months.

5. A Department review of LexisNexis and Wisconsin Circuit Court Access (CCAP) records revealed the following prior convictions for Respondent:

- a. Marathon County Case No. 2006 CM 2145 – Convicted on 12/01/06 for Resisting or Obstructing an Officer (Misdemeanor).
- b. Dane County Case No. 2004 CM 2288 – Convicted on 11/02/04 for Disorderly Conduct (Misdemeanor).
- c. Dane County Case No. 2004 CF 379 – Convicted on 04/22/04 for Forgery-Uttering (Felony) and Credit Card-Theft by Receipt (Misdemeanor).
- d. Dane County Case No. 2002 CT 1294 – Convicted on 10/28/02 for Operating While Revoked (2nd w/in 5) (Misdemeanor).
- e. Dane County Case No. 2002 CF 989 – Convicted on 10/28/02 for Possession of THC (Misdemeanor).
- f. Dane County Case No. 2002 CT 752 – Convicted on 10/28/02 for Operating While Revoked (2nd w/in 5) (Misdemeanor).
- g. Dane County Case No. 2000 CT 462 – Convicted on 06/30/00 for Cause Injury/Operating While Intoxicated (Misdemeanor).
- h. Case No. CRA0804016 – Convicted on 08/03/09 for Attempted Drug Abuse (severity unknown) in Sandusky, Ohio.
- i. Case No. CRA0804017A – Convicted on 08/03/09 for Drug Abuse (severity unknown) in Sandusky, Ohio.
- j. Case No. CRB0804017B – Convicted on 08/03/09 for Drug Paraphernalia (severity unknown) in Sandusky, Ohio.

6. Respondent applied for her real estate salesperson application on February 4, 2019 and answered “no” to the following question:

Have you ever been convicted of a misdemeanor, felony, or other violation of federal or state law or do you have any felony, misdemeanor, or other violation of federal or state law charges pending against you in this state or any other? This includes

convictions resulting from a plea of no contest, a guilty plea, or verdict.

7. On March 2, 2022, the Department emailed Respondent to ask if Respondent disputed any of the above convictions, if there were any other convictions to report, and why she failed to report these convictions on her license application.

8. On March 10, 2022, Respondent stated that she did not deny any of the above convictions, that she was also convicted of an OWI and a marijuana charge in Ukiah, California in 2011, and that she did not report her convictions on her application because she believed it would adversely affect her application.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 is subject to discipline pursuant to Wis. Stat. § 452.14(3)(a) by making a material misstatement in the application for a license.

3. 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 relate to the practices of a real estate licensee.

4. As a result of the above violation and the conduct described in the Findings of Fact, Respondent is also subject to discipline pursuant to Wis. Stat. § 452.14(3)(a), (L), and (p), and Wis. Admin. Code § REEB 24.17(2).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Nicole W. Overland's real estate salesperson license (no. 88123-94) is hereby SUSPENDED for forty-five (45) business days, beginning ten (10) calendar days from the date of this Order.

3. Respondent Nicole W. Overland's real estate salesperson license (no. 88123-94) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete at least three hours of remedial education on the topic of ethics from a provider pre-approved by the Board or its designee, including taking and passing any exam(s) offered for the course(s).

- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.

4. Respondent Nicole W. Overland's real estate salesperson license (no. 88123-94) is further LIMITED as follows:

- 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 her profession.
- b. 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 or its designee.
- c. Respondent shall notify her approved supervising broker of her disciplinary history with the Board and shall provide a copy of this Order to her broker-supervisor(s) prior to commencement of the supervision. Respondent shall furnish the Department Monitor with written acknowledgement from her broker-supervisor(s) that a copy of this Order was provided.
- d. Beginning 90 days from the date of this Order and quarterly thereafter, Respondent shall arrange for written reports from her supervising broker to be provided to the Department Monitor. These reports shall assess Respondent's work performance during the previous quarter, and describe the circumstances of her employment, including the nature and extent of Respondent's sales activities and whether she has practiced in compliance with all laws governing the practice of real estate, including compliance with this Order.
- 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.
- f. Respondent shall comply with all court orders in Pierce County Case No. 2020 CM 056.
- g. Respondent may petition the Board for modification or termination of any of these limitations after a period of two (2) years of practice in compliance with all terms and conditions of this Order. The Board may grant or deny the petition, in its discretion. A denial of such a petition for full licensure shall not be deemed a denial of license under Wis. Stat. §§

227.01(3) or 227.42, or Wis. Admin. Code Ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

5. Within ninety (90) days from the date of this Order, Respondent Nicole W. Overland shall pay a FORFEITURE in the amount of \$500 and the COSTS of this matter in the amount of \$781, for a total of \$1,281.

6. All requests and submissions, including payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

7. In the event Respondent violates any term of this Order, Respondent's license (number 88123-94), or Respondent's right to renew her 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Rebus
A Member of the Board

10/20/22
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
NICOLE W. OVERLAND, : STIPULATION
RESPONDENT. : **ORDER 0008210**

Division of Legal Services and Compliance Case No. 21 REB 001

Respondent Nicole W. Overland 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 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.

Nicole Strobel
dotloop verified
09/23/22 3:06 PM CDT
XHKO-5K7C-KVFC-DGWA

Nicole W. Overland, Respondent
River Falls, WI 54022
Credential No. 88123-94

09/23/2022

Date

Megan Reed

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

09/26/2022

Date