

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
APRIL M. PIRWITZ, :
RESPONDENT. : **ORDER 0008497**

Division of Legal Services and Compliance Case No. 21 REB 122

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

April M. Pirwitz
Sheboygan, WI 53081

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 April M. Pirwitz (Birth Year 1989) is licensed by the State of Wisconsin as a real estate salesperson, having license number 90917-94, first issued on May 18, 2020 and current through December 14, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Sheboygan, Wisconsin 53081.

2. On April 29, 2020, the Department issued an Order Granting Limited License to Respondent¹. Section A.3. of the Order states that 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 forty-eight (48) hours of any such event, including any convictions resulting from pending charges."

¹ Board Order #0006793 is attached to this document as Exhibit 1.

3. On November 18, 2021, Respondent reported to the Department that she had been convicted of OWI (1st). The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 REB 122 for investigation.

4. On July 28, 2021, Respondent was arrested for Operating While under the Influence in Howards Grove Wisconsin.

5. On September 22, 2021, Respondent was convicted of OWI (1st) in Sheboygan County Court Case Number 2021TR003380.

6. On November 18, 2021, Respondent notified the Department of her conviction.

7. 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 violated Wis. Admin. Code § REEB 24.17(3) by violating the terms or conditions of Board Order #0006793, Section A.3.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.

2. Respondent April M. Pirwitz is REPRIMANDED.

3. Respondent April M. Pirwitz's real estate salesperson license (no. 90917-94) is LIMITED as follows:

a. Respondent must continue to practice in compliance with the limitations and requirements imposed on Respondent's license in Board Order #0006793 for an additional one (1) year from the date of this Order.

b. Respondent may petition for full, unrestricted licensure once she has satisfied both Board Order #0006793 and the terms of this Order.

4. Respondent April M. Pirwitz shall pay a FORFEITURE in the amount of \$250 and the COSTS of this matter in the amount of \$1,190, for a total of \$1,440, pursuant to the following schedule:

<u>Payment Due Date</u>	<u>Amount</u>
July 15, 2023	\$240
August 15, 2023	\$240
September 15, 2023	\$240
October 15, 2023	\$240
November 15, 2023	\$240
December 15, 2023	\$240

5. All submissions, including payments (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

Submissions may also be made online at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 90917-94), 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: *Thomas J. Rubin*
A Member of the Board

4/13/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

APRIL M. PIRWITZ,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008497

Division of Legal Services and Compliance Case No. 21 REB 122

Respondent April M. Pirwitz 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.



April M. Pirwitz, Respondent
Sheboygan, WI 53081
Credential No. 90917-94

02/08/23

Date



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

02/13/2023

Date