

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
THOMAS L. SIMONSEN, : FINAL DECISION AND ORDER  
RESPONDENT. : **ORDER 0008509**

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Division of Legal Services and Compliance Case No. 21 REB 054

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

Thomas L. Simonsen  
Edina, MN 55435

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 Thomas L. Simonsen (Birth Year 1954) is licensed by the State of Wisconsin as a real estate broker, having license number 51024-90, first issued on April 17, 2002 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 Edina, Minnesota 55435.

2. On June 4, 2021, the Department received a complaint alleging that Respondent had acted improperly in a real estate transaction. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 REB 054 for investigation.

3. On June 18, 2021, Respondent responded to the complaint and provided the Department with the transaction documents.

4. The Department reviewed a Disclosure of Adverse Material Facts form dated June 2019. The form contained instances of difficult to read and/or illegible handwriting that made the form hard to understand or interpret.

5. The Department reviewed a second Disclosure of Adverse Material Facts form, dated July 2020, that appeared to be incomplete. The one-page form contained typed text at the end of the page that ends in the middle of a sentence.

6. On April 6, 2022, the Department asked Respondent to provide the second page of the Disclosure of Material Adverse Facts form and to explain why some forms contained illegible handwriting.

7. On April 18, 2022, Respondent stated that there is no second page of the Disclosure of Material Adverse Facts form. Respondent further stated that he tries to have computer generated forms filled in and ready to use, but in the field where a computer and/or printer are not available, Respondent hand-writes the forms.

8. On May 10, 2022, Respondent stated that the computer software he used to draft the Disclosure of Adverse Material Facts form had accidentally cut off part of the final sentence.

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 violated Wis. Admin. Code § REEB 16.06(8) by failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms and prepares the addenda.

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 Thomas L. Simonsen is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Thomas L. Simonsen shall pay the COSTS of this matter in the amount of \$692.

4. Payment of 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://dspsmonitoring.wi.gov/>

5. In the event Respondent violates any term of this Order, Respondent's license (number 51024-90), 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:   
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

THOMAS L. SIMONSEN,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0008500**

Division of Legal Services and Compliance Case No. 21 REB 054

Respondent Thomas L. Simonsen 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. Respondent is represented by Attorney Carol E. Krigbaum.

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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. 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 L. Simonsen* dotloop verified  
02/14/23 10:57 AM CST  
BBZO-K8EF-RL9C-3QZB

Thomas L. Simonsen, Respondent  
Edina, MN 55435  
Credential No. 51024-90

\_\_\_\_\_ Date

*Carol E. Krigbaum* dotloop verified  
02/13/23 3:36 PM CST  
TODL-LMNY-DAR5-JACF

Carol E. Krigbaum, Attorney for Respondent  
Krigbaum Law, LLC  
227 E. Fairmount Avenue  
Whitefish Bay, WI 53217

\_\_\_\_\_ Date

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

02/14/2023  
\_\_\_\_\_ Date