

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### **Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ASHLEY M. THOMAS,  
RESPONDENT.

:  
:  
:  
:  
:

FINAL DECISION AND ORDER

**ORDER 0008580**

---

Division of Legal Services and Compliance Case No. 20 REB 019

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

Ashley M. Thomas  
Wisconsin Dells, WI 53965

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 Ashley M. Thomas (Birth Year 1991) is licensed by the State of Wisconsin as a real estate salesperson, having license number 82601-94, first issued on August 17, 2016 and expired as of December 15, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Wisconsin Dells, Wisconsin 53965.

2. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her real estate salesperson license until December 14, 2027.

3. On March 21, 2020, 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 20 REB 019 for investigation.

4. In March 2020, Complainant was seeking to sell his home located in Town of Pacific, Wisconsin (the Town of Pacific home). He was not represented by a real estate licensee.

5. On March 8, 2020, Respondent contacted Complainant to inquire about the Town of Pacific home. According to Complainant, Respondent stated that she worked for Great Day Real Estate (Great Day) and that she was a buyer's agent.

6. On March 11, 2020, Respondent showed the Town of Pacific home to her clients, S.C. and B.C.

7. On March 13, 2020, Respondent submitted an Offer to Purchase (OTP) for the Town of Pacific home on behalf of S.C. and B.C. The OTP provided that Respondent would receive a commission paid by the seller. The OTP did not indicate who had drafted the form and did not have a firm name listed on the form.

8. On March 20, 2020, Complainant raised some concerns with Respondent about the OTP not being filled out correctly, including not having a firm or licensee listed, and about who she worked for, as Department records showed she was not associated with a firm.

9. Complainant later provided the Department with copies of text messages between himself and Respondent. In the text messages, Complainant informed Respondent that when he looked Respondent up online, it showed no real estate firm association for her license. He asked her to explain why she said she worked for Great Day. Complainant also stated that "it sounds like [the buyers] are under contract with [real estate broker] C.O.," who worked at a different firm.

10. Respondent replied to Complainant's text, saying that she had been working under real estate broker C.O. at the other firm "for a couple years," and that she had recently made the switch to Great Day. She stated that S.C. and B.C. had "strictly worked with [Respondent] as their agent." She also stated that she could have S.C. and B.C. "sign a new agency agreement" with her and she could have her broker draft an offer until she's officially associated with Great Day in the Department's records.

11. On June 15, 2020, in her response to this complaint, Respondent told the Department that she was switching real estate firms at the time. She stated that the agent that she worked for had been working with S.C. and B.C. and they wanted to see the Town of Pacific home and write an offer with her guidance.

12. On July 26, 2021, Respondent told the Department in an email, "[t]his offer was friends of mine, I was not drafting or representing." She stated she was "just guiding on the process" and knew she would be associated with a firm by the time the transaction closed.

13. On July 28, 2021, the Department spoke to J.F., a real estate licensee who represented the buyers of S.C. and B.C.'s home in Pardeeville, Wisconsin. J.F. stated that she had a buyer's agency agreement with the buyers.

14. J.F. stated that Respondent presented the buyers directly with an unsigned WB-11 offer. This offer had “Weithert, Realtors – Great Day” listed at the top of the page and was dated April 18, 2020.

15. J.F. contacted Respondent to inform her that she had a buyer’s agency agreement with the buyers of the Pardeeville home and asked Respondent for a copy of the signed WB-11 offer.

16. On April 18, 2020, Respondent provided J.F. with a signed WB-11 offer for the Pardeeville home. On this document, “Weithert, Realtors – Great Day” was no longer listed at the top of the page. Also, the offer indicated that the Seller was to pay a 4% transaction fee to Lavish Life, LLC.

17. According to the Wisconsin Department of Financial Institutions’ website, Respondent is the registered agent for Lavish Life, LLC.

18. Lavish Life, LLC is not licensed as a real estate business entity.

19. In Respondent’s July 26, 2021 email to the Department, she also stated she did not have a listing contract with S.C. and B.C. for the sale of their home in Pardeeville. The closing statement for the Pardeeville home states that Great Day was the listing broker.

20. A review of Department records revealed the following:

- a. From April 17, 2018 to March 22, 2020, Respondent’s license was not registered with any firm or company.
- b. From March 23, 2020 to December 31, 2020, Respondent’s license was registered with Great Day Brokers LLC.
- c. From December 31, 2020 to the present, Respondent’s license has not been registered with any firm or company.
- d. Respondent’s license was never registered with real estate broker C.O.

21. 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. Stat. § 452.30(7) and Wis. Admin. Code § REEB 17.03(4) by engaging in real estate practice as a salesperson when not associated with a firm.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.13(5) by attempting to negotiate the sale of real estate directly with a party with the knowledge that another licensee had a buyers agency agreement with that party.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to protect the public against fraud, misrepresentation and unethical practices.

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

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER by Respondent Ashley M. Thomas of her real estate salesperson's license (no. 82601-94) in the state of Wisconsin is hereby accepted.

3. In the event Respondent Ashley M. Thomas petitions the Board for reinstatement as a real estate salesperson or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the COSTS of this matter in the amount of \$1,554, before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent Ashley M. Thomas petitions the Board for reinstatement as a real estate salesperson, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

5. Any requests, petitions, or 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](mailto:DSPSMonitoring@wisconsin.gov)

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

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Ralvic  
A Member of the Board

6/15/2023  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ASHLEY M. THOMAS,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0008580**

Division of Legal Services and Compliance Case No. 20 REB 019

Respondent Ashley M. Thomas 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.

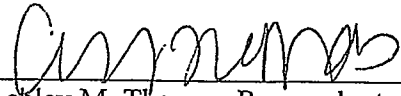
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

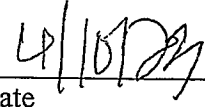
not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

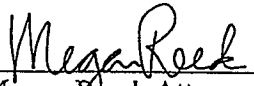
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
\_\_\_\_\_  
Ashley M. Thomas, Respondent  
Wisconsin Dells, WI 53965  
Credential No. 82601-94

  
\_\_\_\_\_  
Date

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

4/10/2023  
\_\_\_\_\_  
Date