

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD**

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**IN THE MATTER OF DISCIPLINARY** :  
**PROCEEDINGS AGAINST** :  
 : **FINAL DECISION AND ORDER**  
**KEVIN M. DIECK,** :  
**RESPONDENT.** : **LS0702221REB**

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Division of Enforcement Case Files # 05 REB 189 and 06 REB 075

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Kevin M. Dieck  
PO Box 502  
Appleton, WI 54912

Wisconsin Real Estate Board  
P.O. Box 8935  
Madison, WI 53708

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 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. **Kevin M. Dieck** is a licensed real estate broker in the State of Wisconsin, license # 90-23164, first granted on 01/14/80. Mr. Dieck's most recent address on file with the Department of Regulation and Licensing is PO Box 502, Appleton, WI 54912.

2. Re/Max Valley Realtors is a licensed real estate business entity in the State of Wisconsin, license # 91-834585 first granted on 07/12/94. Its most recent address on file with the Department of Regulation and Licensing is 1000 N. Lynndale Dr., Appleton, WI 54914.

3. Mr. Dieck is the supervising broker and owner of Re/Max Valley Realtors.

4. At all times relevant Susan L. Schultz (license # 94-55111) was a real estate salesperson/employee for ReMax Valley Realtors.

5. Ms. Schultz's real estate salesperson's license expired on January 1, 2003, and was not renewed until April 20, 2006. During the time between January 1, 2003, and April 20, 2006, Ms. Schultz held herself out as a real estate broker

and was involved in at least thirty-six transactions during the time her license was expired.

6. At all times relevant Debra Jaeckels (license # 94-60399) was a real estate salesperson/employee for ReMax Valley Realtors.

7. Ms. Jaeckels' real estate salesperson's license expired on January 1, 2005, and has not been renewed to date. During the time between January 1, 2005, and her termination at Re/Max Valley Realtors on February 1, 2006, Ms. Jaeckels held herself out as a real estate broker and was involved in at least seven real estate transactions during the time her license was expired.

8. Mr. Dieck did not check Susan Schultz's licensing status at the beginning of the 2003 and 2005 biennial licensing periods.

9. Mr. Dieck did not check Debra Jaeckels' licensing status at the beginning of the 2005 biennial licensing period.

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate 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. Respondent **Kevin M. Dieck** has violated:

Wis. Admin. Code §§ RL 17.07 and RL 24.17(3), and Wis. Stat. §§ 452.03, 452.12(3), 452.14(3)(i) and 452.14(3)(L) by failing to check Susan Schultz's licensing status at the beginning of the 2003 and 2005 biennial licensing periods, and failing to check Debra Jaeckels' licensing status at the beginning of the 2005 biennial licensing period, and in allowing them to hold themselves out as real estate agents during periods when they were unlicensed.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Kevin M. Dieck**, license # 90-23164 is hereby **REPRIMANDED**.

2. Respondent shall, within 60 days of the date of this Order, pay a **FORFEITURE** in the amount of \$1,000.00.

3. Respondent shall, within 60 days of the date of this Order, pay **PARTIAL COSTS** of this proceeding in the amount of \$600.00.

Payment of costs, as well as forfeitures, shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 261-7904, Fax (608) 266-2264

4. In the event Respondent fails to timely submit any payment as ordered, such violation may be construed as conduct imperiling public health, safety and welfare and the Respondent's license SHALL BE SUSPENDED without further notice or hearing, and SHALL REMAIN SUSPENDED until Respondent has complied with the terms of this Order. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum  
A Member of the Board

2/22/07  
Date