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IN THE MATTER OF
DISCIPLINARY PROCEEDINGS
AGAINST

MICHAEL H. GRANGER,

RESPONDENT.

**ORDER OF
SUMMARY SUSPENSION**

Division of Enforcement Case No. 09 REB 021

This matter came before the Real Estate Board as scheduled and noticed in the Notice and Petition for Summary Suspension filed on June 18, 2009. Attorney Mark A. Herman appeared for Petitioner, Department of Regulation and Licensing. Respondent, Michael H. Granger, did not appear, nor did his attorney Sally Yule Mengo. This Order is based on the allegations in the Petition, which were sworn to by the Petitioner as true upon information and belief and supported by the attached Affidavit in Support of Petition for Summary Suspension (ASPSS).

FINDINGS OF FACT

1. The Respondent is Michael H. Granger, date of birth January 21, 1960. At all times relevant to these facts Mr. Granger held real estate salesperson's license number 48892-94 issued by the Wisconsin Department of Regulation and Licensing. The license was first granted on June 24, 1998, and expired on December 15, 2008. Mr. Granger's license was not renewed due to a tax delinquency, but his application was timely submitted. Therefore, absent some action by the Board, he retains the right to practice under the license by statute while his revenue matter is pending. Mr. Granger's last-known address on file with the Department of Regulation and Licensing is 2824 55th Avenue, Kenosha, WI 53144.
2. Candace Bloedow ("Bloedow") is the investigator from the Department's Division of Enforcement assigned to investigate this case.
3. On April 30, 2009, the Board's screening panel opened an investigation into allegations against Mr. Granger, which was assigned case number 09 REB 021.
4. Investigator Bloedow has obtained copies of several checks, all of which were endorsed by Mr. Granger. *ASPSS, Exhibits 1b, 2a-f and 3*. The amounts of the checks ranged from \$1,000 to in excess of \$46,000.
5. Exhibit 1b relates to the sale of a rental property. Investigator Bloedow interviewed the former owners of the property, Clyde and Jo Ellis. *Id. at p. 2*. Mr. and Mrs. Ellis acknowledged speaking to Mr. Granger about selling the property, but denied ever entering into a listing agreement with him. Further, Mr. and Mrs. Ellis denied signing any of the documents related to the sale, denied authorizing Mr. Granger to sell the property, denied authorizing Mr. Granger to sign any documents on their behalf, denied authorizing Mr. Granger to receive the proceeds of the sale, and were unaware that the proceeds of the sale were in excess of \$46,000 until being so informed by Investigator Bloedow. *Id. at pp. 2-3*.
6. Exhibits 2a – 2f relate to payments made by Patricia S. Bytnar for the purchase of a property on land contract. *See ASPSS at p. 4*. Collectively, the checks total in excess of \$7,500. *See ASPSS, Exhibits 2a-f*. Investigator Bloedow interviewed Patricia S. Bytnar, who stated that she wrote some checks without filling in the payee line at the direction of Mr. Granger. *Id. at p. 4*. Ms. Bytnar wrote other checks payable to Mr. Granger, also at his direction. *Id.* Ms. Bytnar believed that Mr. Granger was using the checks to make payments to the mortgage holder. *Id.* Investigator Bloedow reviewed a statement made to the Kenosha Police Department by the property owner, Jarod Brennan. *Id. at p. 5*. Mr. Brennan stated

that Mr. Granger represented to him that he had found a buyer for the property who would make the mortgage payments until she could qualify for financing. At no time was a land contract signed. *Id.* The mortgage holder did not receive any funds from Mr. Granger as mortgage payments, and, consequently, foreclosed upon the property.

7. Exhibit 3 relates to the sale of a property. Investigator Bloedow interviewed Mr. Granger's supervising broker, Ralph Nudi of Weichert Realty-Unam, Kenosha, WI (Weichert Realty). *Id. at p. 5.* The property was originally listed with Weichert Realty. *Id.* Mr. Granger informed Mr. Nudi that the seller wanted to de-activate the listing after a potential buyer failed to obtain financing. *Id.* The potential buyer was Mr. Granger's sister. *Id.* Mr. Nudi stated that had the transaction been handled through his agency, Weichert Realty would have been entitled to 20% of the commission. Subsequently, the property was sold. *Id.* The commission check was made payable to New Century Realty in the amount of \$12,000. The commission check was endorsed by Patrick Tinker to make payable to Mr. Granger, and subsequently endorsed by Mr. Granger. *ASPSS, Exhibit 3.* Investigator Bloedow interviewed the owner of New Century Realty LLC, Mr. Patrick Tinker. *Id. at p. 5.* Mr. Tinker denied ever endorsing the check to Mr. Ganger. *Id.*

CONCLUSIONS OF LAW

1. The allegations that Mr. Granger forged the signatures of Mr. and Mrs. Ellis, and kept the proceeds from the sale of their rental property, in an amount exceeding \$46,000, as set forth above in paragraph 5 of the Findings of Fact, would constitute violations of Wis. Stat. § 452.14(3)(i) and (k).
2. The allegations that Mr. Granger kept payments made by Ms. Bytnar intended for the purchase of real property on a land contract, in an amount exceeding \$7,500, as set forth above in paragraph 6 of the Findings of Fact, would constitute violations of Wis. Stat. § 452.14(3)(i) and (k).
3. The allegations that Mr. Granger forged the signature of Mr. Tinker, as set forth above in paragraph 7 of the Findings of Fact, would constitute violations of Wis. Stat. § 452.14(3)(i) and (k).
4. The statements presented to the Board on June 25, 2009, by Investigator Bloedow, together with the Affidavit in Support of Summary Suspension and the exhibits attached thereto, create probable cause to believe that Mr. Granger has committed violations of Wis. Stat. § 452.14(3)(i) and (k). Further, the conduct as described constitutes an imminent danger to the public welfare. Moreover, the Board has received an Affidavit of Service from Investigator Bloedow, showing that Mr. Granger was aware of these proceedings, yet he failed to appear. Therefore, the legal requirements for the summary suspension of the Respondent's Real Estate Salesperson's License have been fulfilled pursuant to Wis. Adm. Code, chapter RL 6.
5. Based upon the foregoing, it is necessary to suspend Mr. Granger's license to practice as a real estate salesperson in the State of Wisconsin immediately to protect the public's health, safety or welfare.

ORDER

NOW, THEREFORE, IT IS ORDERED that Real Estate Salesperson's License number 48892-94, issued to **Michael H. Granger** is **SUSPENDED** as of the receipt of actual notice by Mr. Granger or his attorney, or the date of service under sec. 6.08, Wis. Admin. Code or sec. 801.11, Stats. for the service of summons, whichever is first. The license shall remain suspended until a final decision and order is issued in the disciplinary proceeding, or until further order of the Board. Respondent shall surrender his credentials immediately upon service to the following address:

Department of Regulation and Licensing
Attn: Theodore Nehring, Paralegal
P.O. Box 8935
Madison, WI 53708

IT IS FURTHER ORDERED that Mr. Granger may request a hearing to show cause why this suspension order should not be continued, and he may file such request with the Department of Regulation and Licensing at Box 8935, Madison, WI 53708-8935. A hearing on such request shall be scheduled within 20 days of the date the Department receives such request, unless Mr. Granger agrees to a later date.

Signed and dated June 26, 2009,

FOR THE REAL ESTATE BOARD:

Peter A. Sveum, Chair