FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JOHN R. RUETZ, RESPONDENT.	:	92 REB 009

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

John R. Ruetz
W326 N4257 Regatta Court
Nashotah, WI 53058

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision 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

1. John R. Ruetz (D.O.B. 1/26/51) is duly licensed in the state of Wisconsin as a real estate broker (license #42308). This license was first granted on 6/8/87.

2. Respondent's latest address on file with the Department of Regulation and Licensing is 726 Orchard Street, Racine, Wisconsin 53405.

3. On or about August 16, 1991, an indictment was filed in the United States District Court for the Eastern District of Wisconsin, cases #90-CR-165 and 90-CR-191, charging Defendant John R. Ruetz, individually, and as President, Chief Executive Officer and owner and operator of Enviro-Analysts, Inc., of 15 counts of fraud and making false statements of compliance with federal and state environmental laws and regulations.

4. On or about December 10, 1991, in the United States District Court for the Eastern District of Wisconsin, Respondent was convicted of 14 counts of fraud and making false statements of compliance with environmental laws and regulations. A copy of the Judgment in criminal cases #90-CR-165 and 90-CR-191, is attached hereto and incorporated herein by

reference. A copy of the Criminal Complaint, cases #90-CR-165 and 90-CR-191 is attached as Exhibit B and is incorporated herein by reference.

5. The circumstances of the crimes that the Respondent has been convicted of is substantially related to the practice of real estate.

6. Ruetz has offered to voluntarily surrender his real estate broker license as a resolution of this disciplinary proceeding.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to section 227.44(5), Wis. Stats.

3. Respondent Ruetz has violated sec. 452.14(3)(i), Wis. Stats., and sec. RL 24.17(1) and (2), Wis. Adm. Code, by being convicted of a crime, the circumstances of which substantially relate to the practice of real estate.

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Stipulation for the voluntary surrender of the real estate license of John R. Ruetz is accepted.

IT IS FURTHER ORDERED, that all rights and privileges granted to John R. Ruetz under Chapter 452 of the Wisconsin Statutes and real estate broker license #42308 are absolutely terminated.

IT IS FURTHER ORDERED, that no credential or license under Chapter 452 of the Wisconsin Statutes shall be issued to John R. Ruetz within one (1) year subsequent to the date of this Order.

IT IS FURTHER ORDERED, that investigative file 91 REB 009 be, and hereby is, closed.

This Order shall become effective ten (10) days following the date of its signing.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

WISCONSIN REAL ESTATE BOARD

By: Peter Schils
A Member of the Board

June 22, 1995
Date

RH:dms
ATY-ALG494

AO 245 (Rev. 7/90) Judgment in a Criminal Case

U.S. DISTRICT COURT
EASTERN DISTRICT-WI

United States District Court

EASTERN District of WISCONSIN

'91 DEC 12 P3:21

UNITED STATES OF AMERICA
V.
ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

(Name of Defendant)

SOPHON B. NEDILSKY
CLERK

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed Prior to November 1, 1987)

Case Number: 90-CR-165 and 90-CR-191

David Cannon
Defendant's Attorney

I hereby certify that this is a true and correct copy of the original now remaining of record in my office.
SOPHON B. NEDILSKY, Clerk
DATED: 11-16-93

THE DEFENDANT:

☐ pleaded guilty to count(s) _____
☒ was found guilty on count(s) ~~2 thru 15 (consolidated Indict)~~ after plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1341 & 2	Mail Fraud	1/86	2,4,9
42:6928(d)(3)& 18:2	Making false statements under RCra	1/86	3,5,6,7,8,12 13,14 & 15
18:1001 & 2	Making false statement to WI Dept of Natural Resources	1/86	10
33:1319(c)(2)	Making false statement under Clean Water Act	1/86	11

☒ The defendant has been found not guilty on count(s) ~~one (Original Indictment)~~, and is discharged as to such count(s).

☒ Count(s) ~~8,9-12 16-20 25-28~~ (Orig Indict 90-CR-165) (is)(are) dismissed on the motion of the United States.

IT IS THE JUDGMENT OF THIS COURT THAT: Imposition of sentence is suspended and the defendant is placed on probation for a period of Four (4) years, as to counts 2 thru 15. Probation is to commence this date. As a special condition of probation: 1) Deft. shall not illegally possess any controlled substance, pursuant to the Anti-Drug Abuse Act of 1988. Such possession will result in revocation and incarceration equal to not less than one-third of the original term of probation. 2) Deft is to pay a fine in the amount of $1,000 on each count for a total fine of $14,000 to be paid at a rate of $100 a month and to be paid before probation period expires. 3) Deft. is to complete 200 hours of community service work as directed by the probation officer. 4) Deft. is to provide financial disclosure as directed by the probation officer. ENVIRO-ANALYSTS: Fined $1,000 on each of cts. 2 thru 15 for a total fine of $14,000.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

U.S. DIST. COURT EAST DIST. WISC
FILED
AUG 16 1991
AT ____ O'CLOCK ____
SOFRON B. NEDILSKY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

Plaintiff,

v.

ENVIRO-ANALYSTS, INC., and
JOHN R. RUETZ,

Defendants.

Case No. 90-CR-165
90-CR-191

18 USC § 371
18 USC §2,
18 USC §1001,
18 USC §1341,
33 USC §1319(c)(2),
42 USC §6928(d)(3)

Eastern Div. of Wis
I hereby certify that this is a true and correct copy of the original now remaining of record in my office.
SOFRON B. NEDILSKY, Clerk
DATED 11-16 93
By Linda M. Zr Deputy

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

1. At all times material to this indictment, defendant Enviro-Analysts, Inc. (herein referred to as "Enviro-Analysts") was a corporation established under the laws of the State of Wisconsin. Defendant Enviro-Analysts was in the business of, among other things, performing laboratory analyses for clients so that the clients could demonstrate compliance with the applicable environmental laws and regulations of the United States. Defendant Enviro-Analysts was located at 949 Erie Street in Racine, Wisconsin.

2. At all times material to this indictment, defendant John R. Ruetz was President, Chief Executive Officer and owner and operator of defendant Enviro-Analysts.

3. At all times material to this indictment, the State

of Wisconsin was delegated implementation and enforcement authority for the Clean Water Act, Title 33, United States Code, Section 1251 et seq., and the Resource Conservation and Recovery Act, Title 42, United States Code, Section 6901 et seq., by the Administrator of the United States Environmental Protection Agency.

4. From in or about January, 1979 through in or about April, 1987, within the State and the Eastern District of Wisconsin, and elsewhere,

ENVIRO-ANALYSTS, INC. and

JOHN R. RUETZ,

defendants herein, and others, known and unknown to the grand jury, in violation of Title 18, United States Code, Section 371, did willfully and knowingly combine, conspire, confederate and agree with each other and with diverse other individuals to commit the following offenses against the laws of the United States:

(a) To execute a scheme and artifice to defraud and to obtain property and money by means of false and fraudulent pretenses, representations and promises through the use of the United States mail, in violation of Title 18, United States Code, Section 1341;

(b) To knowingly and willfully falsify, conceal and cover up by a trick, scheme and device and make and cause to be made a false, fictitious and fraudulent statement and representation of a material fact concerning a matter within the

jurisdiction of the United States Environmental Protection Agency, an agency of the United States, in violation of Title 18, United States Code, Section 1001;

(c) To knowingly make a false material statement and representation in a report which was filed, required to be maintained and used for purposes of compliance with the provisions of the Resource Conservation and Recovery Act, Title 42, United States Code, Section 6924, and regulations promulgated pursuant thereto, in violation of Title 42, United States Code, Section 6928(d)(3);

(d) To knowingly make a false statement and representation in a report which was filed and required to be maintained pursuant to the provisions of the Clean Water Act, Title 33, United States Code, Section 1342, and regulations promulgated pursuant thereto, in violation of Title 33, United States Code, Section 1319(c)(2).

5. It was a part of this conspiracy that the defendants Enviro-Analysts and John R. Ruetz would and did make and cause to be made advertisements and sales promotions which stated that defendant Enviro-Analysts could provide "Environmental Testing & Consulting" to clients who required these services in order to comply with State and Federal environmental laws and regulations.

6. It was a part of this conspiracy that as part of their advertising, defendants Enviro-Analysts and John R. Ruetz would and did identify and cause to be identified numerous

elements and organic and inorganic chemical compounds for which they could perform tests in order to establish whether and to what extent those elements and chemicals were present within the samples taken for their clients. Among the numerous elements and compounds for which defendants Enviro-Analysts and John R. Ruetz represented they could perform analysis in compliance with applicable legal requirements were arsenic, cyanide, mercury, phenol, and selenium.

7. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did represent and cause to be represented that defendant Enviro-Analysts and its employees could perform the required laboratory testing in a periodic, regular manner as required by the needs of their clients and by applicable permits.

8. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did contract to perform sampling and testing on a daily, weekly or monthly basis as required by the needs of their clients.

9. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did falsify and cause to be falsified the laboratory reports which they prepared for their clients.

10. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would not and did not take the periodic samples required by their contractual obligations. Notwithstanding the failure to take these samples, defendants

Enviro-Analysts and John R. Ruetz provided their clients with test results which purported to report accurately the analytical results for the non-existent samples.

11. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did report laboratory results on samples taken when the Enviro-Analysts laboratory lacked the appropriate analytical equipment to perform the requisite tests for some of the elements and compounds within the samples. Notwithstanding the lack of the correct analytical equipment, defendants Enviro-Analysts and John R. Ruetz would and did provide their clients with test results which purported to report accurately the analytical results for these elements and compounds within the samples.

12. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did alter laboratory results for samples taken and properly analyzed at the Enviro-Analysts laboratory. As a result of these alterations, clients would be led and were led to believe that samples analyzed by defendants complied with applicable regulatory limitations when, in truth and in fact, analysis showed that these samples were not in compliance with applicable regulatory limitations.

13. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did bill their clients for fraudulent laboratory reports by means of invoices. Upon receipt of the invoice, the clients of defendants Enviro-Analysts and John R. Ruetz would and did make payments to the

defendants for fraudulent laboratory reports.

14. It was a part of this conspiracy that defendants Enviro-Analysts and John R. Ruetz would and did deposit payments received from their clients in several bank accounts.

OVERT ACTS

In furtherance of the conspiracy and to effectuate the objects and purposes thereof, defendants Enviro-Analysts, Inc. and John R. Ruetz, and others, known and unknown to the grand jury, did commit and cause to be committed the following overt acts, among others, in the Eastern District of Wisconsin and elsewhere, on or about the dates mentioned, in and during the continuance and in furtherance of said conspiracy, to wit:

1. On or about the dates identified below, defendant Enviro-Analysts, Inc., under the direction of defendant John R. Ruetz, produced, prepared and falsified information contained in the documents identified below as well as in other related documents (including but not limited, to bench sheets, Forms NR101's, periodic compliance reports and discharge monitoring reports) for use by the client identified below in compliance with the regulations of the United States Environmental Protection Agency and the Wisconsin Department of Natural Resources:

CLIENT	LAB REPORT	DATE
American Motors Corp.	1760	August 17, 1985
Browning-Ferris Ind.	1648	July 17, 1985
Browning-Ferris Ind.	1652	July 17, 1985
Browning-Ferris Ind.	1653	July 17, 1985
Browning-Ferris Ind.	2086	November 11, 1985
Case Company/ABC Serv. Inc.	1678	July 25, 1985
Case Company/ABC Serv. Inc.	1680	July 25, 1985
Case Company/ABC Serv. Inc.	1681	July 27, 1985
Case Company/ABC Serv. Inc.	1682	July 27, 1985
Eaton Corporation	1085	January 21, 1985
Eaton Corporation	1339	April 10, 1985
Jacobson Manufacturing Co.	1727	July 30, 1985
Twin Disc Inc.	8235	September 18, 1984
Twin Disc Inc.	1116	January 25, 1985
Twin Disc Inc.	1117	January 25, 1985
Twin Disc Inc.	1403	April 6, 1985
Shepard Plating Co.	6262	January 17, 1984
Shepard Plating Co.	6263	January 17, 1984

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

At all times material to this Indictment:

1. Defendant Enviro-Analysts, Inc. (hereinafter referred to as "Enviro-Analysts") was a corporation established under the laws of the State of Wisconsin. Enviro-Analysts was in the business of, among other things, performing laboratory analyses for clients so that the clients could demonstrate compliance with the applicable environmental laws and regulations of the United States. Enviro-Analysts was located at 949 Erie Street in Racine, Wisconsin.

2. Defendant John R. Ruetz was President, Chief Executive Officer and owner and operator of Enviro-Analysts.

3. Shephard Plating Company was a corporation established under the laws of the State of Wisconsin. Shephard Plating Company was in the business of, among other things, electro-plating metal parts. Shephard Plating Company was owned and operated by defendant John R. Ruetz and was located at 949 Erie Street in Racine, Wisconsin.

Resource Conservation and Recovery Act

4. The Resource Conservation and Recovery Act (hereinafter referred to as "RCRA"), Title 42, United States Code, Sections 6901 et seq., regulates the generation, transportation, treatment, storage and disposal of hazardous waste. RCRA establishes a cradle-to-grave regulatory program for the management of hazardous waste. Those who generate,

transport, treat, store or dispose of hazardous waste are covered by RCRA and the implementing regulations.

5. Hazardous wastes are identified in RCRA in two ways. First, a waste may be specifically listed as hazardous. Title 40, Code of Federal Regulations, Part 261. The second method of identifying hazardous wastes is by their characteristics. Waste is hazardous if it has the characteristics of ignitability, corrosivity, reactivity or toxicity. Title 40, Code of Federal Regulations, Section 261.20. One way that these wastes may be identified or that these characteristics may be determined is by analytical laboratory procedures specified in pertinent regulations.

6. Listed or identified hazardous wastes must be transported to, treated, stored or disposed of only at facilities which have received permits properly issued pursuant to RCRA to handle such wastes. Title 42, United States Code, Sections 6925 and 6926. These RCRA permits impose regulatory conditions specifically tailored and limited to the type of activity at that particular facility, and the facility may only handle those wastes and perform those activities covered in the permit. Title 40, Code of Federal Regulations, Part 264. In order to insure that hazardous waste is properly disposed of at a lawful disposal site, a correct physical and chemical characterization of the waste is essential.

7. Accordingly, pursuant to RCRA, any person who generates a solid waste must determine whether it is hazardous.

One means of making this determination is to perform a laboratory analysis of the waste to determine its characteristics. Title 40, Code of Federal Regulations, Section 262.11. After performing this analysis, the generator of the waste must maintain the record of that analysis for inspection by state or federal regulators. Title 40, Code of Federal Regulations, Section 262.40.

8. Under RCRA, before a person may treat, store or dispose of a hazardous waste at a facility, he must obtain a detailed chemical and physical analysis of a representative sample of the waste. Title 40, Code of Federal Regulations, Sections 264.13 and 265.13. The operator of the facility is also required to retain the records of these analyses for inspection by State and Federal regulators. Title 40, Code of Federal Regulations, Sections 264.17 and 265.17.

9. Those who generate, treat, store or dispose of hazardous waste need not do the requisite laboratory analysis themselves. Typically, the requisite laboratory analyses are contracted out to an independent laboratory.

10. Enviro-Analysts was an independent laboratory hired by numerous customers to perform laboratory analysis required by RCRA. At the time they performed these analyses, Enviro-Analysts and John R. Ruetz knew that they were intended for use in compliance with the regulatory requirements of RCRA.

Clean Water Act

11. The Federal Water Pollution Control Act, commonly known as the "Clean Water Act", Title 33, United States Code, Sections 1251 et seq., regulates the discharge of pollutants into the navigable waterways of the United States. Pursuant to the Clean Water Act, the Administrator for the Environmental Protection Agency (hereinafter referred to as "EPA") is authorized to prescribe conditions for the permissible discharge of pollutants into the navigable waterways of the United States. Title 33, United States Code, Section 1342. Under this National Pollution Discharge Elimination System ("NPDES") the discharge of any pollutant without a NPDES permit is unlawful.

12. Any permittee possessing an NPDES permit will be required to conduct periodic sampling and measurement of the content of the discharge. Results of this periodic sampling must be compiled on Discharge Monitoring Reports (hereinafter referred to as "DMRs"). Title 40, Code of Federal Regulations, Section 122.41.

13. Each state may develop and submit to the Administrator of EPA, procedures for implementing and enforcing its own permit program regulating the discharge of pollutants within the state. If the Administrator finds that the State procedures are adequate, he shall delegate to the State the authority he has to implement and enforce the permit program. The United States retains the authority to enforce these permit standards in Federal Court. Title 33, United States Code,

Sections 1319(c), 1342(b).

14. Wisconsin has been delegated implementation and enforcement authority for the Clean Water Act and issues permits know as Wisconsin Pollution Discharge Elimination System (WPDES) permits. WPDES permits require periodic submission of DMRs and, for those permittees who discharge into a public sewer system, Periodic Compliance Reports (hereinafter referred to as "PCRs"). Wisconsin Administrative Code, Chapter NR, Sections 204, 211, 219.

15. Those permittees required to complete DMRs or PCRs need not do the requisite laboratory analysis themselves. Typically, the requisite laboratory analyses are contracted out to an independent laboratory.

16. Enviro-Analysts was an independent laboratory hired by numerous customers to perform laboratory analysis required by the Clean Water Act. At the time they performed these analyses, Enviro-Analysts and John R. Ruetz knew that they were intended for use in compliance with the regulatory requirements of the Clean Water Act.

The Scheme and Artifice to Defraud

17. From on or about June 1984 through on or about April 1986, within the State and the Eastern District of Wisconsin, defendants Enviro-Analysts and John R. Ruetz knowingly devised and participated in a scheme and artifice to defraud and for obtaining property and money by means of false and fraudulent pretenses, representations and promises from various clients in

the United States including but not limited to:

ABC Services Company
Kenosha, Wisconsin

American Motors Corporation
Kenosha, Wisconsin

Browning-Ferris Industries
Hodgkins, Illinois

Case Company
Racine, Wisconsin

Jacobsen Manufacturing Company
Racine, Wisconsin

18. It was part of the scheme and artifice to defraud that:

(a) The defendants Enviro-Analysts and John R. Ruetz would and did make and cause to be made advertisements and sales promotions, which stated that Enviro-Analysts could provide "Environmental Testing & Consulting" to clients who required these services in order to comply with State and Federal environmental regulations.

(b) As part of their advertising, defendants Enviro-Analysts and John R. Ruetz would and did identify and cause to be identified numerous elements and organic and inorganic chemical compounds for which they could perform tests in order to establish whether and to what extent those elements and chemicals were present within the samples taken for their clients. Among the numerous elements and compounds for which defendants Enviro-Analysts and John R. Ruetz represented they could perform analysis in compliance with applicable legal requirements were:

arsenic, cyanide, mercury, phenol, and selenium. The price for each individual laboratory test ranged from Five to Two Hundred Dollars.

(c) Defendants Enviro-Analysts and John R. Ruetz would and did represent and cause to be represented that Enviro-Analysts and its employees could perform the required laboratory testing in a periodic, regular manner as required by the needs of their clients and by applicable permits.

(d) Defendants Enviro-Analysts and John R. Ruetz would and did contract to perform sampling and testing on a daily, weekly or monthly basis as required by the needs of their clients.

(e) Defendants Enviro-Analysts and John R. Ruetz would and did falsify and cause to be falsified the laboratory reports which they prepared for their clients. Falsifications were accomplished by three methods:

1) Under instructions from John R. Ruetz, employees of Enviro-Analysts did not take the periodic samples required by their contractual obligations. Notwithstanding the failure to sample, defendants provided their clients with test results which purported to report accurately the analytical results for the non-existent samples;

2) Under instructions from John R. Ruetz, employees of Enviro-Analysts reported laboratory results on samples taken when the Enviro-Analysts laboratory lacked the appropriate analytical equipment to perform the requisite tests for some of the elements and compounds within the samples. Notwithstanding the lack of the correct analytical equipment, defendants provided their clients with test results which purported to report accurately the analytical results for these elements and compounds within the samples;

3) Under instructions from John R. Ruetz, employees of Enviro-Analysts altered laboratory results for samples taken and properly analyzed at the Enviro-Analysts laboratory. As a result of these alterations, clients were led to believe that samples analyzed by defendants complied with applicable regulatory limitations when, in truth and in fact, analysis showed that these samples were not in compliance with applicable regulatory limitations.

(f) Defendants Enviro-Analysts and John R. Ruetz would and did bill their clients for fraudulent laboratory reports by means of invoices. Upon receipt of the invoice, the clients of defendants Enviro-Analysts and John R. Ruetz would and did make payments to the defendants for fraudulent laboratory reports.

Jacobsen Manufacturing Company

19. On or about September 12, 1985, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

for the purpose of executing the scheme and artifice to defraud and to obtain property and money by means of false and fraudulent pretenses, representations, and promises and attempting to do so, knowingly placed or caused to be placed in an authorized depository for mail matter an envelope from Jacobsen Manufacturing Company, addressed to:

Enviro-Analysts, Inc.
949 Erie St.
Racine, Wisconsin 53402

containing Jacobsen Manufacturing Company check number 145487 in the amount of Two Thousand One Hundred and Sixty dollars ($2160), to be sent and delivered by the United States Postal Service.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT THREE

Jacobsen Manufacturing Company

20. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in count three as if alleged in full.

21. On or about July 30, 1985 within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

did knowingly make a false material statement and representation in Enviro-Analysts report 1727, with respect to waste stream samples provided by Jacobsen Manufacturing Company, regarding analyses including, arsenic, selenium, mercury, phenol, total cyanide and reactive cyanide, which report was filed, required to be maintained, and used for the purpose of compliance with the provisions of Title 42, United States Code, Section 6924, and regulations promulgated pursuant thereto.

In violation of Title 42, United States Code, Section 6928(d)(3) and Title 18, United States Code, Section 2.

COUNT FOUR

Browning-Ferris Industries Inc.

22. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in count four as if alleged in full.

23. On or about December 22, 1985, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

for the purpose of executing the scheme and artifice to defraud and to obtain property and money by means of false and fraudulent pretenses, representations, and promises and attempting to do so, knowingly placed and caused to be placed in an authorized depository for mail matter an envelope from Browning-Ferris Industries Inc., addressed to:

Enviro-Analysts, Inc
949 Erie, St.
Racine, Wisconsin 53402

containing Browning-Ferris Industries, Inc. check number 753114 in the amount of Forty-Four Thousand Four Hundred and Eighty-Six dollars ($44,486), to be sent and delivered by the United States Postal Service.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS FIVE THROUGH EIGHT

Browning-Ferris Industries Inc.

24. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in counts five through eight as if alleged in full.

25. On or about the dates specified in each individual count below, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

did knowingly make a false material statement and representation in the Enviro-Analysts report identified below, with respect to samples provided by Browning-Ferris Industries, Inc., regarding analyses including, arsenic, selenium, mercury, cadmium, lead, nickel, zinc, chloride, fluoride, boron, sulfate, organic halides (also known as "Toxicity"), alkalinity, phenol, total cyanide and reactive cyanide, which reports were filed, required to be maintained, and used for the purpose of compliance with the provisions of Title 42, United States Code, Section 6924, and regulations promulgated pursuant thereto:

Count	Date	Report No.
5	July 17, 1985	1648
6	July 17, 1985	1652
7	July 17, 1985	1653
8	November 11, 1985	2086

In violation of Title 42, United States Code, Section 6928(d)(3) and Title 18, United States Code, Section 2.

COUNT NINE

American Motors Corporation

30. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in count nine as if alleged in full.

31. On or about January 7, 1986, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

for the purpose of executing the scheme and artifice to defraud and to obtain property and money by means of false and fraudulent pretenses, representations, and promises and attempting to do so, knowingly placed and caused to be placed in an authorized depository for mail matter an envelope from American Motors Corporation, addressed to:

Enviro-Analysts, Inc.
949 Erie St.
Racine, Wisconsin 53402

containing American Motors Corporation check number K446957 in the amount of Two Thousand Six Hundred Sixty-Eight dollars and Fifty cents ($2668.50), to be sent and delivered by the United States Postal Service.

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT TEN

American Motors Corporation

32. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in count ten as if alleged in full.

33. On or about September 20, 1985, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

did knowingly and willfully conceal and cover up by a trick scheme and device and did make a false, fictitious and fraudulent statement of a material fact to the Wisconsin Department of Natural Resources concerning a matter within the jurisdiction of the United States Environmental Protection Agency, an agency of the United States of America, in that, in a Discharge Monitoring Report prepared for American Motors Corporation, and made pursuant to the provisions of the Clean Water Act, the defendants stated and represented and caused to be stated and represented, a false, fictitious and fraudulent statement of material fact with respect to the effluent stream of American Motors Corporation, regarding analyses including, oil & Grease, pH and total suspended solids, whereas, in truth and fact, as the defendants then well knew, said statement was false.

In violation of Title 18, United States Code, Sections 1001 and 2.

COUNT ELEVEN

American Motors Corporation

34. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in count eleven as if alleged in full.

35. On or about August 17, 1985, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

did knowingly make a false statement and representation in Enviro-Analysts report 1760, with respect to the effluent stream of American Motors Corporation, regarding analyses including, oil & grease, which report was filed and required to be maintained pursuant to the provisions of Title 33, United States Code, Section 1342 and regulations promulgated pursuant thereto.

In violation of Title 33, United States Code, Section 1319(c)(2) and Title 18, United States Code, Section 2.

COUNTS TWELVE THROUGH FIFTEEN

ABC Services Incorporated and Case Company

40. The allegations of paragraphs one through eighteen of count two of this Indictment are incorporated in counts twelve through fifteen as if alleged in full.

41. On or about the dates specified in each individual count below, within the State and the Eastern District of Wisconsin, defendants

ENVIRO-ANALYSTS, INC. and
JOHN R. RUETZ

did knowingly make a false material statement and representation in the Enviro-Analysts report identified below, with respect to waste stream samples provided by ABC Services Incorporated and Case Company, regarding analyses including arsenic, selenium, mercury, chromium, phenol, total cyanide and reactive cyanide, which reports were filed, required to be maintained, and used for the purpose of compliance with the provisions of Title 42, United States Code, Section 6924, and regulations promulgated pursuant thereto:

Count	Date	Report No.
12	July 25, 1985	1678
13	July 25, 1985	1680
14	July 29, 1985	1681
15	July 29, 1985	1682

In violation of Title 42, United States Code, Section 6928(d)(3) and Title 18, United States Code, Section 2.

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOHN R. RUETZ,	:	92 REB 009
RESPONDENT.	:	

It is hereby stipulated between John R. Ruetz, personally on his own behalf and Roger R. Hall, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered in resolution of the pending proceedings concerning John R. Ruetz' license. The stipulation and order shall be presented directly to the Real Estate Board for its consideration for adoption.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a clear and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent hereby offers to voluntarily surrender his credentials as a real estate broker and concurs with the findings, terms and conditions of the attached Final Decision and Order. He consents to the entry of the Final Decision and Order by the Real Estate Board, and that the Board may enter an Order accepting the voluntary surrender of his real estate broker's license.

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 be returned to the Division of Enforcement for further proceedings. In the event that this 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 for the Division of Enforcement and the member of the Real Estate Board assigned as an advisor in this investigation may appear before the Real Estate Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations of the stipulation.

7. The Division of Enforcement joins John R. Ruetz in recommending the Real Estate Board adopt this Stipulation and issue the attached Final Decision and Order.

John R. Ruetz	Date 5/15/95
Roger R. Hall, Attorney Division of Enforcement	Date 5/22/95

RRH:lmf
ATY-BLG749

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN REAL ESTATE BOARD.

1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

JUNE 23, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)