

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

FILE COPY

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

MARK D. HILLER,
RESPONDENT. :

FINAL DECISION AND ORDER
97 REB 097

LS 9706263 REB

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Mark D. Hiller
7684 Kuehne Road
St. Germain, WI 54558

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. Mark D. Hiller (D.O.B. 1/25/62) is duly licensed in the state of Wisconsin as a real estate salesperson (license #37784). This license was first granted on August 18, 1992.
2. Mr. Hiller's latest address on file with the Department of Regulation and Licensing is 7684 Kuehne Road, St. Germain, WI 54558.
3. On January 1, 1995, Mr. Hiller's Wisconsin license to practice as a real estate salesperson expired, and Mr. Hiller did not submit an application for renewal of his registration until February 27, 1997. During that period of time Mr. Hiller continued to practice real estate sales in Wisconsin with David L. Clark Realty, Inc.

CONCLUSIONS OF LAW

By the conduct described above, Mark Hiller is subject to disciplinary action against his license to practice as a real estate salesperson in the state of Wisconsin, pursuant to secs. 452.03 and 452.14, Stats. and Wisconsin Administrative Code § RL 24.17(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. Respondent Mark D. Hiller is REPRIMANDED.
2. Within thirty (30) days from the date of this Order, Mr. Hiller shall pay a FORFEITURE of ONE HUNDRED dollars [\$100.00].
3. Within thirty (30) days from the date of this Order, Mr. Hiller shall pay partial costs of this proceeding in the amount of ONE HUNDRED dollars [\$100.00].
4. Payment of all costs and forfeitures shall be made via certified check or money order payable to the Wisconsin Department of Regulation and Licensing, Attn: Department Monitor, PO Box 8935, Madison, WI 53708-8935.
5. In the event that Mr. Hiller fails to timely comply with the terms and conditions set forth above, his real estate license shall be SUSPENDED, without further notice or hearing, until such time as he has complied with the terms of this Order

This Order shall become effective upon the date of its signing.

REAL ESTATE BOARD

By: _____

A Member of the Board

Date

10/26/97

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MARK D. HILLER,	:	97 REB 097
RESPONDENT	:	

It is hereby stipulated between Mark D. Hiller, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Hiller's licensure by the Division of Enforcement (97 REB 097). Mr. Hiller consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Hiller 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 preponderance of the 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. Mr. Hiller is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Mr. Hiller agrees to the adoption of the attached Final Decision and Order by the Real Estate 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 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 member of the Board assigned to this case as an advisor and the attorney for the Division of Enforcement may appear before the final decision

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 DIVISION OF ENFORCEMENT
 10/10/97
 10/10/97

maker in these proceedings for the purposes of speaking in support of this agreement and answering questions that the final decision maker may have in connection with him or his deliberations on the stipulation.

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

Mark Hiller
Mark D. Hiller

6/12/97
Date

Steven M. Gloe
Steven M. Gloe, Attorney
Division of Enforcement

6.12.97
Date

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JUN 1 1997
Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On June 26, 1997, the Real Estate Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$100.00 Case #: LS9706263REB

The amount of the forfeiture is: \$100.00 Case # LS9706263REB

Please submit a check or a money order in the amount of \$ 200.00

The costs and/or forfeitures are due: July 26, 1997

NAME: Mark D. Hiller LICENSE NUMBER: 37784

STREET ADDRESS: 7684 Kuehne Road

CITY: St. Germain STATE: WI ZIP CODE: 54558

Check whether the payment is for costs or for a forfeiture or both:

X COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Mark D. Hiller,

AFFIDAVIT OF MAILING

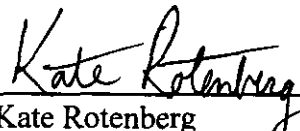
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On June 30, 1997, I served the Final Decision and Order dated June 26, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9706263REB, upon the Respondent Mark D. Hiller by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 308.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

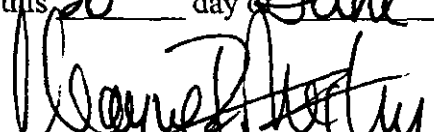
Mark D. Hiller
7684 Kuehne Road
St. Germain WI 54558



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 30th day of June, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

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:

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 30, 1997

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.)