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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MICHELLE L. KIEFFER :
RESPONDENT : LS0309253REB

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

Michelle L. Kieffer
4280 Spur 231 Rd.
Rhineland, WI 54501

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 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

1. **Michelle L. Kieffer** ("Kieffer"), date of birth 08/07/71, is licensed in the State of Wisconsin as a real estate salesperson having license # 94-55544. This license was first granted to her on 10/09/02. Kieffer’s most recent address on file with the Department of Regulation and Licensing is 4280 Spur 231 Rd., Rhineland, WI 54501.

2. On or about June 4, 2002, an INCIDENT/OFFENSE REPORT was completed by the Franklin Police Department. The facts in the Incident/Offense Report state, in part;

Kieffer worked at Prolog Services LLC as an accounting manager. A controller for that company conducted an internal audit and discovered that Kieffer had been stealing from the company by funneling monies to a semi truck driver who has a brokerage agreement and acts as a vendor for Prolog Systems. The audit report indicated that between April 16, 2001 and April 22, 2002, Kieffer wrongly credited a trucking company a total of \$64,992.00. In return, the semi truck driver split the money with Kieffer.

A copy of the Incident/Offense Report is attached as **Exhibit 1** and is incorporated herein by reference.

3. On or about January 24, 2003, Kieffer was convicted in the State of Wisconsin Circuit Court Branch 02 in Milwaukee County for violating Wis. Statute 943.20(1)(a), Theft-Movable Property >\$2500. Sentence was imposed & Stayed, and Kieffer was placed on 5 years probation. A copy of the JUDGMENT OF CONVICTION is attached as **Exhibit 2** and is incorporated herein by reference.

4. Respondent Michelle L. Kieffer has offered to resolve this formal disciplinary matter by the Voluntary Surrender of her real estate salesperson's license.

CONCLUSIONS OF LAW

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

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

3. Respondent **Michelle L. Kieffer** has violated:

a. Section RL 24.17(1) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by having been convicted on January 24, 2003, of Theft-Movable Property >\$2500, the circumstances of which substantially relate to the practice of real estate.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that the **Voluntary Surrender** of the Real Estate Salesperson license # 94-55544 of Respondent **Michelle L. Kieffer**, is hereby accepted.

IT IS FURTHER ORDERED that all rights and privileges heretofore granted to Respondent **Michelle L. Kieffer**, pursuant to Real Estate Salesperson license # 94-55544 are terminated effective at 11:59 P.M. on the

date of this Order.

IT IS FURTHER ORDERED that Respondent Michelle L. Kieffer shall be allowed to submit a petition for permission to reapply for a real estate salesperson license no earlier than five (5) years from the effective date of this order. If a petition is submitted by the Respondent, she shall appear before the Board in support of her petition and to answer any questions that the Board members may have in regard to the petition. The Board, in its discretion, may decide to deny the petition for re-licensure, or to limit or place conditions upon any license granted to the Respondent. The denial, in whole or in part, of any petition or license application of Michelle L. Kieffer for a credential authorized under Chapter 452 of the Wisconsin Statutes shall not constitute a denial of a license and shall not give rise to a contested case within the meaning of sections 227.01(3) and 227.42 of the Wisconsin Statutes.

IT IS FURTHER ORDERED, that file 03 REB 031 be, and hereby is, closed.

Dated this 25th day of September, 2003.

WISCONSIN REAL ESTATE BOARD

Richard Kollmansberger

A member of the Board