

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
CHRISTOPHER J. KUCHARAS, : FINAL DECISION AND ORDER
RESPONDENT. : LS8510274REB

Division of Enforcement Case File # 05 REB 029

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

Christopher J. Kucharas
8817 S. 89th St.
Franklin, WI 53132

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

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

- Christopher J. Kucharas is a licensed real estate broker in the State of Wisconsin, license # 90-19779, which was first granted on 09/24/77. Mr. Kucharas' most recent address on file with the Department of Regulation and Licensing is 8817 S. 89th St., Franklin, WI 53132.
- On or about January 19, 2005, Mr. Kucharas notified the Department that he had been convicted of misdemeanor theft on December 20, 2004.
- From May 1993 to October 2004, Mr. Kucharas owned and operated The Auto Shoppe, Inc. in Greenfield, Wisconsin. The Auto Shoppe sold used cars and operated a service department for repairs and maintenance. The Auto Shoppe frequently purchased cars for resale from Metro Milwaukee Auto Auction. Financing for Metro Milwaukee Auto Auction is handled by Manheim Automotive Financial Services.
- On October 1, 2004, The Auto Shoppe owed Metro Milwaukee Auto Auction \$140,000 for 14 vehicles which were being resold. To cover a cash-flow problem, Mr. Kucharas made a change via computer to show that The Auto Shoppe owed only \$10 per vehicle.
- On the following day, October 2, 2004, Mr. Kucharas contacted an official at Manheim Automotive Financial Services to explain what he had done. Mr. Kucharas said he would pay the \$140,000.00 for the cars received from Metro Milwaukee Auto Auction and would liquidate his business to do so.
- The matter was referred to the Racine Police Department and Mr. Kucharas was charged with 14 felony counts of Theft - False Representation. Mr. Kucharas cooperated with law enforcement and he had paid off the Auto Auction before the charges were disposed of.
- On December 20, 2004, Mr. Kucharas was convicted in Racine County of one misdemeanor count of Theft - Movable Property - \$2500. Mr. Kucharas was sentenced to pay a forfeiture fine in the amount of \$3,077.00.
- After being contacted by this Department, Mr. Kucharas supplied letters of support from seven individuals, all of whom described him as honest and trustworthy. One personal and professional associate said "I never once observed or heard of any unethical behavior on Chris's part. He has on many occasions, that I know of personally, gone out of his way to do the deal the right way."

CONCLUSIONS OF LAW

- 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).
- The conduct described above, constitutes a violation of Wis. Admin. Code § RE 24.17 (1) which prohibits the violation of any law the circumstances of which substantially relate to the practice of real estate broker or salesperson.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- Christopher J. Kucharas, license # 90-19779, be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that:

- Christopher J. Kucharas pay **COSTS** in this matter in the amount of \$400.00, within 60 days of this order.

Payment 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

- In the event the Respondent fails to timely submit any payment as ordered, the Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until the Respondent has complied with the terms of this Order.
- This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Richard Kollmansberger 10/27/2005
A Member of the Board Date