

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
 :
MARY F. RUFLEDT, : LS# 0706062REB
 :
RESPONDENT. :

Division of Enforcement Case No. 06 REB 233

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Mary F. Rufledt
3314 Fear Street
Eau Claire, WI, 54701

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Real Estate Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Real Estate Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mary F. Ruffedt ("Ruffedt"), whose date of birth is December 16, 1971, is duly licensed as a Real Estate Salesperson in the state of Wisconsin (94-48026). Ms. Ruffedt's most recent address of record on file with the Department of Regulation and Licensing ("Department") is 3314 Fear Street, Eau Claire, WI 54701. The license was first granted on December 18, 1997, and is due to expire on December 14, 2008.

2. On December 21, 2006 Ms. Ruffedt pled no contest to, and was convicted of, a violation of Wis. Stat. § 450.11(7)(a) – Obtaining a Prescription Drug by Intentional Concealment of a Material Fact, which is a misdemeanor crime.

3. The elements of a violation of Wis. Stat. § 450.11 (7) (a) are: (1) obtaining a prescription drug, and (2) through willful concealment of a material fact.

4. Per Wis. Admin. Code § RL 24.17 (2), "The board may discipline any licensee on the basis of a conviction of any crime, the circumstances of which substantially relate to the practice of real estate."

Mitigating Factors

5. At times relevant to this matter, Ms. Ruffedt was suffering from post-partum depression.

6. There is no evidence that Ms. Ruffedt has personally abused prescription drugs or non-prescription drugs.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. The circumstances of the conviction of **Mary F. Ruffedt** are substantially related to the practice of a real estate salesperson, because Respondent obtained something of value to another person (by purchase) through concealment of a material fact.

4. By her conviction **Mary F. Ruffedt** has violated Wis. Admin. Code § RL 24.17 (2), thereby subjecting herself to discipline per Wis. Admin. Code § RL 24.01 (2) and Wis. Stat. § 452.14 (3) (i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of **Mary F. Ruffedt** to practice as a real estate salesperson in the State of Wisconsin (# 94-48026) shall be, and hereby is, **REPRIMANDED** and **LIMITED** as follows: Respondent shall submit quarterly reports from her supervising Broker and from her probation/parole agent certifying that she has been in compliance with all statutes and rule applicable to real estate salespersons, as well as all terms and conditions of her probation/parole for a period of one year from the date of signing of this Order.

2. Respondent shall pay the costs of the Division of Enforcement in investigating this matter, in the amount of \$2,750.00 within one year of the date of signing of this Order.

3. All payments and reports required by this Order shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.

P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 261-7904

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license (#94-48026). The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment as set forth above (if any), or fails to timely submit proof of completion of education as set forth above (if any), the Respondent's license (94-48026) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

10/18/07
Date

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
MARY F. RUFLEDT, :
 : LS# 0706062REB
 :
RESPONDENT. :

Division of Enforcement Case No. 06 REB 233

It is hereby stipulated between Mary F. Ruffledt, Respondent; Michael P. Wagner, attorney for Respondent; and Mark A. Herman, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (Case No. 06 REB 233). A formal complaint has been issued; Respondent consents to the resolution of the formal complaint without proceeding to hearing.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law. Respondent neither admits nor denies the allegations contained in the Findings of Fact of the attached Order, but agrees that there is evidence from which the Board can make the Findings of Fact and reach the Conclusions of Law contained therein.

3. Respondent has communicated with legal counsel prior to signing this stipulation.

4. Respondent 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 consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

MARY F. RUFLEDT, Respondent
3314 Fear Street
Eau Claire, WI 54701

Date

MICHAEL P. WAGNER,
Wagner Law Firm, S.C., Attorneys for
Respondent
393 Red Cedar Street, Suite 1
Menomonie, WI 54751

Date

Mark A. Herman, Attorney
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Date