

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

---

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

LUIGI N. MICELI,  
RESPONDENT.

:  
:  
:  
:  
:  
:

FINAL DECISION AND ORDER

*ORDER 0000503*

---

Division of Enforcement Case No. 08 REB 171

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

Luigi N. Miceli  
10811 88<sup>th</sup> Street  
Pleasant Prairie, WI 53158

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

PROCEDURAL HISTORY

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. Respondent Luigi N. Miceli is licensed in the State of Wisconsin as a Real Estate Salesperson, having license # 94-55501. This license was first granted to him on 10/2/2002 and is current through 12/14/2010. The most recent address on file with the Department of Regulation and Licensing for Mr. Miceli is 10811 88<sup>th</sup> Street, Pleasant Prairie, WI 53158.

2. On 4/21/2009, Mr. Miceli pled guilty to five counts of Theft-Movable Property  $\leq$  \$2500 (Class A Misdemeanors) relating to theft at a pharmacy where the Respondent was employed. In addition to five years of probation, jail time, a \$50 fine, \$100 assessed court costs, \$300 victim surcharge, and \$40 for other fees, the plea bargain included a stipulation that Mr. Miceli obtain and maintain employment, but that he have no access to his employer's funds.
3. Mr. Miceli did not self-report the conviction to the Department of Regulation and Licensing within 30 days of the date of conviction, 4/21/2009.

#### CONCLUSIONS OF LAW

1. 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).
2. Respondent Luigi N. Miceli violated Wis. Admin. Code § RL 24.17(1) by violating laws the circumstances of which substantially relate to the practices of a real estate salesperson and by failing to provide a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction related to his conviction within 30 days as described in paragraphs 2-3 of the Findings of Fact.
3. As a result, Respondent Luigi N. Miceli has demonstrated incompetency to act as a salesperson in such manner as to safeguard the interest of the public under to Wis. Admin. Code § RL 24.01(3) and is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i) and (4m).
4. Respondent Luigi N. Miceli is also subject to discipline for his conviction of crimes, the circumstances of which substantially relate to the practice of real estate pursuant to Wis. Admin. Code § RL 24.17(2) and Wis. Stat. § 452.14(3)(k), as described in paragraph 2 of the Findings of Fact.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Real Estate Salesperson license of **Luigi N. Miceli** (license # 94-55501) is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. The Real Estate Salesperson license of **Luigi N. Miceli** (license # 94-55501) is hereby **LIMITED** as follows:

- a. Respondent Luigi N. Miceli shall not be allowed to access the trust account of his broker/employer or handle any money in real estate transactions for a minimum of 4 years from the date of this Order.
  - b. Respondent Luigi N. Miceli shall submit quarterly work reports from a supervising broker to the Department Monitor at the address in paragraph 6 below.
3. Respondent Luigi N. Miceli may petition the Real Estate Board for removal of the limitation upon the successful completion of probation related to his theft conviction. Removal of the limitation is subject to Board approval.

IT IS FURTHER ORDERED that:

4. Respondent Luigi N. Miceli shall not apply for or attempt to obtain a real estate broker's license in the State of Wisconsin, nor shall he attempt to own and/or operate his own real estate business entity.
5. Respondent **Luigi N. Miceli** shall pay **COSTS of THREE HUNDRED SEVENTY-FIVE DOLLARS (\$375.00)**.
6. Payment shall be submitted within 120 days from the date of this order. Payment of the costs (made payable to the Wisconsin Department of Regulation and Licensing), submission of quarterly reports, and any petition for removal of limitations shall be sent 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

7. 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 Respondents' licenses. 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 payment of the costs and quarterly reports as set forth above, the Respondent's license (# 94-55501) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs and submission of quarterly reports.
8. This Order is effective on the date of its signing.

Dated this 28 day of OCTOBER, 2010.

WISCONSIN REAL ESTATE BOARD

By: \_\_\_\_\_

