

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MELISSA M. SAMPLE,	:	
RESPONDENT.	:	ORDER 0001987

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Division of Enforcement Case No. 11 REB 122

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

Melissa M. Sample  
914 12th Ave.  
Onalaska, WI 54650

Wisconsin Real Estate Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Enforcement  
Department of Safety and Professional Services  
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 Wisconsin Real Estate Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Melissa M. Sample (dob 02/19/1968) is licensed in the State of Wisconsin as a Real Estate Salesperson, having license number 94-58030, first issued on September 18, 2003 and current through December 14, 2012. Respondent Sample's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 914 12th Ave., Onalaska, WI 54650.

2. On or about December 27, 2011, the Department received a complaint alleging several violations by Respondent Sample. Division of Enforcement case number 11 REB 122 was subsequently opened for investigation.

3. Respondent Sample admits that between 2007 and 2011, when she was performing property management services, she deposited cash rent payments into her personal bank account and would issue a personal check to the property owner for the rent fees.

4. Respondent Sample further admits that she provided rental assistance to a client without a written contract.

5. In resolution of this matter, Respondent Sample consents to the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining 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. By the conduct described in the Findings of Fact, Respondent Sample violated Wis. Admin. Code § RL (now REEB) 18.031(2) by failing to promptly submit the funds to her broker-employer.

3. By the conduct described in the Findings of Fact, Respondent Sample violated Wis. Admin. Code § RL (now REEB) 24.08 by failing to put a property management agreement in writing.

4. As a result of the above violations, Respondent Sample is subject to discipline pursuant to Wis. Stat. §§ 452.14(3)(i) and (L).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.

2. Respondent Sample is hereby REPRIMANDED.

3. The real estate salesperson license issued to Respondent Sample (license no. 94-58030) is hereby LIMITED as follows:

a. Respondent Sample shall, within six months of the date of this Order, successfully complete a class on the topic of Wis. Admin. Code ch. REEB 18 Trust Accounts and a class on the topic of Property Management offered by a provider pre-approved by the Board's monitoring liaison.

b. Respondent Sample shall submit proof of completion in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements

that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent Sample's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days of the date of this Order, Respondent Sample shall pay COSTS of this matter in the amount of \$1,069.00.

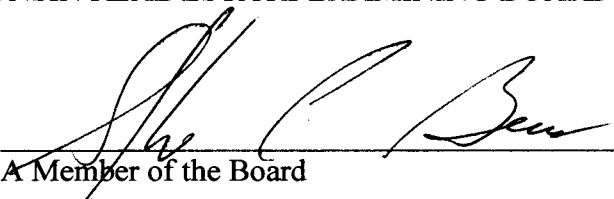
5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817, Fax (608) 266-2264

6. 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. 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 as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 94-58030) 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 completion of the education.

7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:   
A Member of the Board

8-16-12  
Date