

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### **Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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/wscga>

- 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 DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE ACCOUNTING EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEITH E. RODE,  
RESPONDENT.

:  
:  
:  
:  
:

FINAL DECISION AND ORDER

**0004715**

---

Division of Legal Services and Compliance Case No. 15 ACC 014

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

Keith E. Rode  
7163 South Cambridge Drive  
Franklin, WI 53132

Wisconsin Accounting Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

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 Accounting 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 Keith E. Rode (DOB October 5, 1967) is certified by the State of Wisconsin as a Certified Public Accountant, having certificate number 21554-1, first issued on November 21, 2007 and expired on December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 7163 South Cambridge Drive, Franklin, Wisconsin 53132.

2. Respondent retains a five (5) year right to renew his Certified Public Accountant certificate.

3. Respondent previously worked as a Certified Public Accountant and was a partner at Gering, Luck & Rode, LLC, a California investment corporation.

4. On December 20, 2012, Respondent was indicted in United States District Court for the Northern District of California San Jose Division Case Number CR12 00888.

5. The indictment alleged, among other things, that from approximately 2009 through 2012, Respondent and his business partners engaged in a scheme, plan and artifice to defraud investors, and to obtain money and property by means of materially false and fraudulent representations and promises by making materially false statements and by failing to disclose material facts.

6. On July 9, 2015, Respondent pled guilty to and was convicted of one (1) count of Mail Fraud in violation of 18 U.S.C. § 1341, a Class C felony.

7. On July 9, 2015, Respondent was sentenced to seventy (70) months imprisonment with a period of three (3) years of supervised release, and was also ordered to pay restitution in the amount of \$32,880,811.82 and a \$100 special assessment.

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

#### CONCLUSIONS OF LAW

1. The Wisconsin Accounting Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 442.12, 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 has violated Wis. Admin. Code § Accy 1.401(1) by committing an act discreditable to the profession as set forth in Wis. Admin. Code § Accy 1.401(2)(e) by being convicted of a crime the circumstances of which substantially relate to the practice of accounting.

3. As a result of the above violation, Keith E. Rode is subject to discipline pursuant to Wis. Stat. § 442.12(1)(b).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the right to renew the Certified Public Accountant certificate of Respondent Keith E. Rode (number 21554-1) is hereby ACCEPTED.

3. Respondent Keith E. Rode shall not re-apply for a Certified Public Accountant certificate for a period of three (3) years following the date of this Order.

4. Should Respondent Keith E. Rode ever re-apply for a Certified Public Accountant certificate:

- a. Respondent shall pay the COSTS of this matter in the amount of \$360 before any such application may be considered.
- b. Respondent shall submit proof that he has successfully completed the AICPA Ethics Program.
- c. Respondent shall submit a personal statement articulating what he has learned from the AICPA Ethics Program and how he plans to ensure he will practice ethically as a Certified Public Accountant if he is granted a Certified Public Accountant certificate.
- d. The Board may determine whether and under what terms and conditions a Certified Public Accountant certificate may be granted.

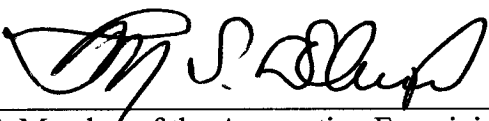
5. Submission of successful completion of the AICPA Ethics Program, submission of Respondent's personal statement, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

WISCONSIN ACCOUNTING EXAMINING BOARD

by:

  
A Member of the Accounting Examining Board

5/12/2016  
Date

STATE OF WISCONSIN  
BEFORE THE ACCOUNTING EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEITH E. RODE,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**00047 15**

---

Division of Legal Services and Compliance Case No. 15 ACC 014

Respondent Keith E. Rode and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Accounting Examining Board (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 then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 the consideration of this attempted resolution.

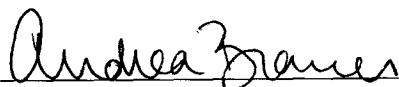
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
Keith E. Rode, Respondent  
7163 South Cambridge Drive  
Franklin, WI 53132  
Certificate no. 21554-1

2/1/16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

2/22/16  
\_\_\_\_\_  
Date