

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON
LICENSE

CONSTANCE MILES
APPLICANT

ORDER GRANTING
LIMITED LICENSE

0006007

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

CONSTANCE MILES
216 WOLF STREET
MADISON, WI 53107

REAL ESTATE EXAMINING BOARD
4822 MADISON YARDS WAY
P.O. BOX 7190
MADISON, WI 53707-7190

FINDINGS OF FACT

1. CONSTANCE MILES (Applicant) has filed an application (#653977) for a license to practice as a Real Estate Salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant has the following violations and convictions on her record:
 - A. On or about August 24, 1998 – Five (5) counts of Forgery -Uttering (Felony); one (1) count of Credit Card – Theft (Felony); one (1) count of Computer Crime – Access Data [Defraud] (Felony); and one count of Resisting or Obstructing an Officer (Misdemeanor).
 - i. These convictions stem from conduct by the Applicant between December 1995 to September 1997.
 - ii. While working as a property manager for an apartment complex Applicant cashed checks written to the owner for her own benefit.
 - iii. Applicant also signed checks with other people's names to obtain funds, credit cards or lines of credit for herself.
 - iv. Applicant forged letterhead from a law firm and signed and submitted letters to the Court purporting to be from an attorney directing the court to vacate civil judgments against her.
 - v. Applicant admitted to law enforcement that through her employment at the University of Wisconsin she had access to computer files of employees,

was short of money, and picked a person's name from the computer to use to apply fraudulently for credit.

- vi. Applicant was convicted on August 25, 1998 and ordered to serve six (6) months in jail, a fifteen (15) year probation, and pay a fine and approximately \$35,000 in restitution.
- vii. Applicant was discharged from probation on October 5, 2010.

B. On or about November 19, 2012 – Forgery-Uttering (Felony)

- i. This conviction stems from an incident that occurred on or around September 14, 2010.
- ii. Applicant was involved in a custody/placement dispute with her ex-husband and provided police with custody paperwork that purported to contain her ex-husband's signature but was later determined to be forged by Applicant.
- iii. Applicant was sentenced to twenty (20) days in jail, payment of restitution of approximately \$220, and one (1) year of probation.
- iv. She was discharged from probation on November 19, 2013.

3. Applicant's convictions substantially relate to the practice of real estate because the business of real estate sales involves negotiating and facilitating transactions between clients and others that affect financial and other rights of those persons and entities. For this reason, it is necessary that a Real Estate salesperson be honest and trustworthy in order to competently conduct such business. Applicant's 1998 conviction stems from many months of fraudulent and deceptive conduct by Applicant for her own financial gain. Applicant abused her position through her employment as both a property manager and employee for the University to perpetrate her crimes. Applicant engaged in repeated fraudulent and deceptive behavior and the forging of other persons' signatures on documents that affected financial and other rights of other persons. Despite having been convicted and receiving a fairly severe penalty for the 1998 conviction, Applicant repeated similar fraudulent behavior in 2010 (roughly one month prior to being discharged from probation for the 1998 convictions).

4. Applicant has failed to show competent evidence of sufficient rehabilitation and fitness to perform the business of real estate sales without limitations, particularly in light of the pattern of repeated behavior as described above.

5. For all of the above reasons, Applicant has not established that she is competent to transact the business of real estate sales in a manner that safeguards the interest of the public. Granting Applicant an unlimited Real Estate Salesperson license would create the opportunity for Applicant to engage in similar conduct at the risk of harm to real estate consumers and licensees.

CONCLUSIONS OF LAW

- 1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 452.05(1)(a).

2. The facts and circumstances of the above-referenced conviction record substantially relates to the practice of a Real Estate Salesperson, pursuant to Wis. Stat. §§ 111.335(3)(a)1., 111.335(4)(c), and 452.14(3).
3. Limitations upon Applicant's license are necessary to ensure that she is competent to act in a manner which safeguards the interests of the public, pursuant to Wis. Stat. § 452.03.
4. Applicant, by her conduct, is subject to limitations against her license, pursuant to Wis. Stat. §§ 111.335(3)(a)1., 111.335(4)(c), 452.03, and 452.14(3).

ORDER

NOW, THEREFORE, IT IS ORDERED that CONSTANCE MILES is GRANTED A REAL ESTATE SALESPERSON LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

Practice Limitations

- A.1. Applicant shall, at all times, practice as a Real Estate Salesperson under the supervision of a Wisconsin licensed Real Estate Broker approved by the Board. Approval shall be obtained through correspondence with the Department of Safety and Professional Services Monitor (Department Monitor).
- A.2. Applicant shall notify her broker-supervisor(s)/employer(s) of her history of arrests and convictions prior to employment. Applicant shall show a copy of this Order to her current and any future employer. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- A.3. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any convictions resulting from pending charges.

Reporting Requirements

- A.4. Applicant shall file quarterly reports with the Board at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
 - i. The name, address and telephone number of Applicant, and name, address and telephone number of her employer;
 - ii. A statement from the Applicant as to whether she has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI and municipal/ordinance violations) during the term of the Order.

- iii. Applicant shall report to the Department Monitor any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
- A.5. Applicant shall arrange for written reports from her broker-supervisor(s)/employer(s) to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's work performance and describe the circumstances of her employment, including the nature and extent of the Applicant's sales activities and whether she has practiced in compliance with all laws governing the practice of real estate as a salesperson.
- A.6. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order.
- A.7. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports or other information required by this Order shall be mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Safety and Professional Services
Division of Legal Services & Compliance
4822 Madison Yards Way
P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817
dspsmonitoring@wi.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

Petitions for Modification

- A.8. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two (2) year of practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. Applicant's petition must include her history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling two (2) year of practice. Any such petition shall be accompanied by a written recommendation from Applicant's current employer that includes, among other things, the dates of employment and scope of responsibility during such employment. A denial of such a petition for modification shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

- A.9. Applicant may petition for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least two (2) years. "Practice in compliance" includes the submission of work reports and/or Treater(s) reports, the content of which are satisfactory to the Board, Department Monitor, or their designee(s).

Costs

- A.10. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

- A.11. In the event that the Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 2 day of January, 2019

By:

Robert Webster 
A Member of the Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON
LICENSE

CONSTANCE MILES
APPLICANT

STIPULATION

0006007

It is hereby stipulated between the above-referenced Applicant and the Real Estate Examining Board (Board) as follows:

- I. The Applicant has filed an application for a license as a Real Estate Salesperson.
- II. Information received by the Board reflects a basis for denial of the license application.
- III. Based upon the information of record herein, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a Real Estate Salesperson, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
 - a). the right to request a hearing related to the denial of the application;
 - b) assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence:
 - i. the right to confront and cross-examine the witnesses against Applicant;
 - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
 - iii. the right to testify on Applicant's own behalf;
 - iv. 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;
 - v. the right to petition for rehearing; and
 - c) all other applicable rights afforded to the Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

Constance Miles
Constance Miles, Applicant
216 Wolf Street 2004 Butler Ct.
Madison, WI 53107 Middleton, WI 53542
Application no. 653977

12/11/2018
Date

Robert Walster *ek*
A Member of the Real Estate Examining Board
Department of Safety and Professional Services
4822 Madison Yards Way
P.O. Box 7190
Madison, WI 53707-7190

1/2/2019
Date