

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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>

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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  
KEVIN R. RIGG, :  
RESPONDENT. : **ORDER 0007045**

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Division of Legal Services and Compliance Case No. 20 REB 075

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

Kevin R. Rigg  
Brookfield, WI 53045

Wisconsin Real Estate 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 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 Kevin R. Rigg (Birth Year 1978) is licensed by the state of Wisconsin as a Real Estate Salesperson, having license number 56753-94, first issued on April 25, 2003 and current through December 14, 2020<sup>1</sup> with the Department. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Brookfield, Wisconsin 53045.

2. On September 3, 2020, the Wisconsin Department of Safety and Professional Services (DSPS) received a complaint that Respondent had stolen prescription medication from a

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<sup>1</sup> Respondent applied timely for renewal and therefore his license is current, but his renewal application is pending. See Wis. Stat. § 440.08(3).

homeowner while at a showing of the home. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 REB 075 for investigation.

3. The Complainant, the sellers' agent, stated that the sellers monitored their house on a surveillance camera during a scheduled showing and observed Respondent searching through the kitchen cabinets until he found prescription medication. The sellers observed Respondent pocket the medication and go into a bathroom in the house.

4. The sellers returned to the house and confronted Respondent and called the police. Respondent returned the medication to the sellers.

5. According to the police report of the incident, on September 2, 2020, deputies arrived at the sellers' house after receiving a call from the sellers and viewed the surveillance footage taken by the sellers. The footage showed Respondent entering the house and placing his business card on a table. He then checked to see if anyone was home before beginning to search through a container of vitamins located on top of the refrigerator. Respondent searched through three different cabinets before finding and pocketing the prescription medication. The medication in question was oxycodone.

6. On February 26, 2021, Respondent's supervising broker responded to a request for information by the Department. The broker stated that Respondent had been employed at Shorewest for almost 18 years and had not had any issues. Upon learning of this incident, the broker contacted Respondent, who stated he had no excuse for his behavior. The broker stated that Respondent attends counseling and is also under supervision for all of his offers and listings. Respondent has never been observed to be under the influence of drugs or alcohol.

7. On February 26, 2021, the Department also received a response from Respondent. He stated that he had been diagnosed with ADHD in high school but had not received treatment for it. Since the incident, he had begun seeing a counselor for his ADHD.

8. Respondent also stated that on the day of the incident, he had been at a water park with his children and twisted his knee. He was at the sellers' house to preview it for a client and checked the cabinets because his client had expressed that the kitchen was important. He stated that some items fell out of the cabinet when he was looking through them and as he was returning them, he noticed the bottle of oxycodone. He decided to take a couple to help his knee pain.

9. With his response, Respondent also provided two letters from his counselor. The counselor stated that there is no evidence of substance abuse.

10. On April 12, 2021, Respondent was convicted of misdemeanor Possess/Illegally Obtained Prescription in Waukesha County Circuit Court Case No. 21 CM 50. He was placed on probation for one year with a condition that he complete an AODA assessment.

11. On July 27 and 29, 2021, Respondent emailed the Department in response to questions from a Department investigator. Respondent stated that he sees his counselor around twice a month. He denied ever taking narcotics while working or taking any of the oxycodone on the day of the incident.

12. Respondent also provided a copy of his AODA assessment that was completed on May 25, 2021. The assessor found no indication of substance abuse.

13. On July 19, 2021, Respondent's broker at Shorewest told the Department that Respondent had never been disciplined before this incident. As a result of this incident, they placed him on probation and required him to see a counselor. They have not seen any signs of intoxication. They have not received any customer complaints. Further, the broker stated, Respondent understands that he will be fired if something like this incident happens again.

14. In correspondence with the Department between July 29 and August 5, 2021, Respondent's broker stated that another condition of his probation with Shorewest was that he could not show any properties without another agent present. He had worked under this condition for six months and it has since been lifted.

15. On August 26, 2021, the Greater Milwaukee Association of Realtors® (GMAR) found that Respondent's actions at issue in this case had violated Article 1 of the Realtors Code of Ethics. GMAR reprimanded Respondent, placed him on probation for one year, and ordered him to pay a fine of \$5,000.

16. In resolution of this matter, Respondent consents to the entry of 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 violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(1) by violating a law the circumstances of which substantially relate to the practices of a real estate licensee.

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

#### ORDER

1. The attached Stipulation is accepted.

2. The real estate salesperson license of Kevin R. Rigg (license no. 56753-94) is **SUSPENDED** for thirty (30) calendar days, beginning 14 calendar days after the date of this Order.

3. The real estate salesperson license of Kevin R. Rigg (license no. 56753-94) is also LIMITED as follows:

Education

a. Within ninety (90) days of the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of professional ethics and/or professional responsibility offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for this course.

b. Respondent shall submit proof of successful completion of the above education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. The education completed pursuant to this requirement may not 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.

Supervising Broker

c. Respondent 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 Monitor.

d. Respondent shall notify his supervising broker(s) and employer(s) of his discipline history with the Board and shall show a copy of this Order to his supervising broker prior to commencement of the supervision. Within fourteen (14) days of the date of this Order and/or within fourteen (14) days of beginning new employment, Respondent shall furnish the Department Monitor with written acknowledgement from his supervising broker that a copy of this Order was provided.

e. The supervising broker shall prepare and submit reports detailing Respondent's compliance with this Order. These reports shall also provide an assessment of Respondent's work performance and describe the circumstances of his employment, including the nature and extent of the Respondent's sales activities and whether he has practiced in compliance with all laws governing the practice of real estate as a salesperson, including the Code of Ethics. The reports shall be filed with the Department Monitor, at the address below, every 90 days, from the date his suspension is lifted pursuant to paragraph 2 of this Order.

Other

f. Respondent shall comply with all terms of his probation in Waukesha County Case No. 21 CM 50. Respondent shall report any violations of his probation within 48 hours of the violation to the Department Monitor. Respondent shall provide proof of successful completion of his probation to the Department Monitor.

g. Respondent shall report all law enforcement contacts leading to arrest, charge or conviction to the Department Monitor within forty-eight (48) hours of any such event.

h. Respondent is responsible for compliance with all terms and conditions of this Order, including the timely submission of supervising reports. Respondent shall submit a signed statement certifying that he is in compliance with all terms and conditions of this Order. The signed statement shall be submitted to the Department Monitor, every 90 days, from the date of this Order.

Petitions for Modification

i. Respondent may petition the Department Monitor for removal of the above limitations after two (2) years of compliance from the date of this Order. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit. Denial of such a petition in whole or in part 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.

4. Within 90 days of the date of this Order, Respondent Kevin R. Rigg (license no. 56753-94 shall pay a FORFEITURE in the amount of \$500 and COSTS of this matter in the amount of \$2,024.

5. Any requests for pre-approval, submissions, petitions, or 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) 266-2112; Fax (608) 266-2264  
DPSMonitoring@wisconsin.gov

You may also submit this information online via the Department's Monitoring Case Management System at

<https://dpsmonitoring.wi.gov>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 56753-94), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Rabie  
A Member of the Board

21 October 2021  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KEVIN R. RIGG,  
RESPONDENT.

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STIPULATION

ORDER 0007:43

Division of Legal Services and Compliance Case No. 20 REB 075

Respondent Kevin R. Rigg 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 Real Estate 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

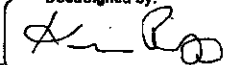


not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


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.

DocuSigned by:  
  
4B30DE5C582142A  
Kevin K. Rigg, Respondent  
Brookfield, WI 53045  
Credential No. 56753-94

9/23/2021  
Date

  
Megan Reed, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/28/2021  
Date