

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
	:	
LORI R. LOVE,	:	LS0802212REB
	:	
RESPONDENT.	:	

Division of Enforcement Case No. 06 REB 131

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

Lori R. Love
2718 Cty Hwy S
Sparta, WI 54656

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Real Estate Board
Department of Regulation & Licensing
1400 East Washington Avenue
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 decision of this matter, subject to the approval of the Real Estate Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lori R. Love (“Love”), whose date of birth is February 15, 1963, is duly licensed as a Real Estate Broker in the state of Wisconsin (90-52261). Ms. Love’s most recent address of record on file with the Department of Regulation and Licensing (“Department”) is 2718 County Highway S, Sparta, WI 54656. The license was first granted on May 25, 2004, and is due to expire on December 14, 2008.

Count I: Material Misstatement in Application for Licensure

2. On May 13, 2004, Ms. Love submitted a signed application for licensure as a Real Estate Broker to the

Department of Regulation and Licensing. In conjunction with the application Ms. Love completed form #2252, "Convictions and Pending Charges." Ms. Love listed one offense, a "DUI" conviction dated "3/98." Ms. Love listed no other convictions or pending charges on the form. Based upon the information provided by Ms. Love, the application for licensure as a Real Estate Broker was approved.

3. Ms. Love had been convicted of one other charge as of the date of the application. Specifically, on November 30, 1998, Ms. Love was convicted of Disorderly Conduct.

4. Per Wis. Stat. § 452.14 (3) (a), a licensee is subject to discipline if he or she has, "Made a material misstatement in the application for a license or registration, or in any information furnished to the board or department."

Count II: Failure to Report Convictions

5. Since the issuance of the license, Ms. Love has been convicted of several violations of the law, including, but not limited to, the following: Disorderly Conduct (Criminal Damage to Property) – October 18, 2005; Bail Jumping – May 16, 2005; Bail Jumping – August 5, 2005; Bail Jumping – December 29, 2005; Disorderly Conduct (Domestic Abuse) – June 20, 2006; and Resisting Arrest – November 9, 2006.

6. Per Wis. Admin. Code § RL 24.17 (1), "The board may discipline any licensee on the basis of a conviction of any crime, the circumstances of which substantially relate to the practice of real estate. . . . A licensee who has been convicted of a crime. . . shall send to the department within 30 days after the judgment of conviction a copy of the complaint or other information which describes the nature of the crime and the judgment of conviction in order that the department may determine whether the circumstances of the crime of which the licensee was convicted are substantially related to the practice of a real estate broker or salesperson. . . ."

7. Per Wis. Admin. Code § RL 24.01 (3), "If a licensee violates rules in this chapter, the licensee has demonstrated incompetency to act as a . . . salesperson. . . in such a manner as to safeguard the interests of the public under s. 452.14 (3) (i).

8. Per Wis. Stat. § 452.14 (3) (i), a licensee is subject to discipline if he or she has, "Demonstrated incompetency to act as a . . . salesperson. . . in a manner which safeguards the interests of the public."

Count III: Conviction of Crimes Substantially Related to Profession

9. As noted above, on October 18, 2005, Ms. Love was convicted of Disorderly Conduct (Criminal Damage to Property). The elements of the Crime of Disorderly Conduct (Criminal Damage to Property) are: (1) the defendant caused damage to physical property; (2) the defendant intended to cause such damage; (3) such property was the property of another; (4) the defendant did not have the other's consent to cause such damage; (5) the defendant knew it was the property of another and that she did not have the other's consent to damage it. Real Estate Brokers frequently have unsupervised access to homes and other buildings containing the physical property of customers, clients, and other persons.

10. As noted above, Ms. Love was convicted of Bail Jumping on three separate occasions in 2005. The elements of the crime of Bail Jumping are: (1) the defendant was charged with a misdemeanor; (2) the defendant was released from custody on a bond; and (3) the defendant knew the terms of the bond and knew that her conduct contravened those terms. Real Estate Brokers are required to abide by specific terms concerning their conduct as a condition of licensure, including, but not limited to, reporting criminal convictions.

11. On June 2, 2005, Ms. Love was convicted of Operating a Motor Vehicle While Intoxicated – 2nd Offense. Real Estate Brokers regularly operate motor vehicles in the course of their practice, and many Real Estate Brokers frequently transport customers and clients in the course of their practice.

12. Per Wis. Admin. Code § RL 24.17 (2), "The board may discipline any licensee on the basis of a conviction of any crime, the circumstances of which substantially relate to the practice of real estate."

MITIGATING FACTORS

13. There is no evidence that any client or customer of Ms. Love has been harmed by her actions. Ms. Love has successfully completed probation. Ms. Love has accepted full responsibility for these matters.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. By failing to disclose all past convictions on her application for licensure, as set forth above in paragraphs 2-3 of the Findings of Fact, Ms. Love made a material misstatement in her application for licensure, thereby subjecting herself to discipline per Wis. Stat. § 452.14 (3) (a).

4. By failing to report six or more convictions to the Department of Regulation and Licensing within 30 days, as required by Wis. Admin. Code § RL 24.17 (1), Ms. Love has demonstrated incompetency to act as a Real Estate Broker in a manner which safeguards the interests of the public, thereby subjecting herself to discipline per Wis. Stat. § 452.14 (3) (i).

5. By her convictions for Disorderly Conduct (Criminal Damage to Property) and Bail Jumping, Ms. Love has demonstrated incompetency to act as a Real Estate Broker in a manner which safeguards the interests of the public, thereby subjecting herself to discipline per Wis. Admin. Code § RL 24.17 (2) and Wis. Stat. § 452.14 (3) (i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of **Lori R. Love** to practice as a Real Estate Broker in the State of Wisconsin (# 90-52261) shall be, and hereby is, **REPRIMANDED** and **SUSPENDED** for a period of **FORTY-FIVE (45) DAYS**, to begin one day after the date of signing of this Order, and **LIMITED** as follows: for a period of three years Respondent shall practice under the supervision of another broker, and shall submit quarterly reports from her Supervising Broker certifying that she has been in compliance with all statutes and rules applicable to Real Estate Brokers. Respondent shall further report any contact with any Law Enforcement Officer to the Department Monitor within 48 hours of the contact.
2. Respondent shall pay the costs of the Division of Enforcement in investigating this matter, in the amount of \$250.00 within ninety (90) days of the date of signing of this Order.
3. All payments and reports required by this Order shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 261-7904

4. 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 (#90-52261). 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 any payment as set forth above (if any), or fails to timely submit any report as set forth above (if any), the Respondent's license (#90-52261) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
5. This Order is effective on the date of signing.

WISCONSIN REAL ESTATE BOARD

By: Peter A. Sveum
A Member of the Board

2/21/08
Date