

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

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IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

LARRY J. LUPTON,  
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0000 815

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Division of Enforcement Case No. 07 REB 093

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

Larry J. Lupton  
N29W22065 Kathryn Ct  
Waukesha, WI 53186

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

Department of Regulation and Licensing  
Division of Enforcement  
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 Board ("Board"). The Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Larry J. Lupton is licensed in the State of Wisconsin as a Real Estate Broker having license #90-54079, first issued on October 27, 2006. This license expired on December 14, 2010.
2. Mr. Lupton's most recent address on file with the Department of Regulation and Licensing ("Department") is N29W22065 Kathryn Ct, Waukesha, WI 53186.

3. On June 29, 2009, Mr. Lupton was convicted in the United States District Court for the Eastern District of Wisconsin of one count of bribery, one count of wire fraud, and two counts of making false statements to FBI agents, and sentenced to two years of imprisonment followed by two years of supervision. The allegations concerned Mr. Lupton's involvement in the sale of real estate.
4. An appeal of Mr. Lupton's conviction was filed in the Court of Appeals for the Seventh Circuit on July 6, 2009. On September 1, 2010, the Court of Appeals for the Seventh Circuit released an opinion affirming Mr. Lupton's convictions. On October 13, 2010, the Court of Appeals for the Seventh Circuit released an order denying Respondent's petition for rehearing *en banc*.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. Pursuant to Wis. Admin. Code § RL 24.17(2), the Board may take disciplinary action against a licensee who has been convicted of a crime, the circumstances of which substantially relate to the practice of real estate. Mr. Lupton has been convicted of crimes, the circumstances of which substantially relate to the practice of real estate as described in paragraphs 3-4 of the Findings of Fact.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. The **VOLUNTARY SURRENDER** of the Real Estate Broker's license of **LARRY J. LUPTON** (license #90-54079) is hereby **ACCEPTED**.

IT IS FURTHER ORDERED that:

2. Subject to paragraph 4 below, Respondent Larry J. Lupton shall not apply to renew or reinstate his Wisconsin Real Estate Broker's license.
3. Respondent Larry J. Lupton shall not practice or attempt to practice as a Wisconsin real estate broker without being licensed in Wisconsin.
4. Upon written notice to the Department that all of his convictions have been overturned, Respondent may apply for a Wisconsin Real Estate Broker's license subject to application fees and education requirements.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in further action against the Respondent. 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.

IT IS FURTHER ORDERED that:

6. The attached Stipulation is hereby accepted.

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

Dated this 28 day of APRIL, 2011.

WISCONSIN REAL ESTATE BOARD

By: \_\_\_\_\_

