

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR  
A REAL ESTATE SALESPERSON LICENSE

LUCAS MERTZ,  
APPLICANT.

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:  
:  
:  
:

ORDER GRANTING  
LIMITED LICENSE

**0003354**

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

LUCAS MERTZ  
2602 MARYLAND AVENUE  
SUPERIOR, WI 54880

REAL ESTATE EXAMINING BOARD  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WI 53708-8935

FINDINGS OF FACT

1. LUCAS MERTZ (Applicant) has filed an application for a credential to practice as a real estate salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant has been convicted of the following violations:
  - a. On or about 07/15/08 – DWI
  - b. On or about 02/09/09 – OWI (2<sup>nd</sup>); Operating While Revoked
  - c. On or about 12/05/13 – Operating with Prohibited Alcohol Concentration
  - d. On or about 04/25/14 – Disorderly Conduct

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 convictions referenced above substantially relate to the practice of a real estate salesperson.
3. Applicant by his conduct is subject to action against his license pursuant to Wis. Stat. § 452.14(3).

4. Limitations upon Applicant's license are necessary to ensure that he is competent to act in a manner which safeguards the interests of the public.

### **ORDER**

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

#### Practice Limitations

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 Monitor.
2. Applicant shall notify his broker-employer of his history of arrests and convictions prior to employment, and shall provide a copy of this Order to his supervisor(s) at all business entities where he works as a real estate salesperson.
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.

#### Reporting Requirements

4. Applicant shall file with the Board quarterly reports at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
  - a. The name, address and telephone number of Applicant, and name, address and telephone number of his employer;
  - b. A statement from the Applicant as to whether he 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.
  - c. 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.
5. Applicant shall arrange for written reports from his supervisor(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 his employment, including the nature and extent of the Applicant's sales activities and whether he has practiced in compliance with all laws governing the practice of real estate sales.
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.

7. The Department Monitor is the individual designated by the department 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  
1400 East Washington Ave., P.O. Box 7190  
Madison, WI 53707-7190  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
DSPSMonitoring@wisconsin.gov

#### Petitions for Modification

8. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two years of real estate practice in compliance with all terms and conditions of this Order. Applicant's petition must include his 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 years 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 chapter SPS 1, and shall not be subject to any right to further hearing or appeal.

#### Costs

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

#### Summary Suspension/Additional Discipline

10. 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 Applicant's license. 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 that Applicant fails to submit quarterly reports as ordered, Applicant's license may, in the discretion of the Real Estate Examining Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant has complied with the terms of this order.

Dated at Madison, Wisconsin this 25 day of August, 2014

Stephen Beers  
Stephen Beers, Chairperson  
Real Estate Examining Board

By: Stephen Beers  
Stephen Beers, Chairperson  
Real Estate Examining Board