

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST AND APPLICATION :
FOR LICENSURE OF :
: ORDER GRANTING
: LIMITED LICENSE
: **0003770**
JASON A. SAN MIGUEL, :
RESPONDENT/APPLICANT. :

Division of Legal Services and Compliance Case Nos. 14 REB 066 and 14 REB 070

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

Jason A. San Miguel
1363 Josephine Street, Unit D
Waukesha, WI 53186

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

PROCEDURAL HISTORY

A denial review proceeding was commenced in this matter by the receipt of a written request for a denial hearing from Jason A. San Miguel dated June 6, 2014, as a result of the Wisconsin Real Estate Examining Board (Board) denying his request for real estate broker and real estate business entity licensure. Prior to the hearing, the parties in these matters agreed to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the 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. Jason A. San Miguel (dob November 9, 1980) is licensed in the State of Wisconsin as a real estate salesperson, having license number 61597-94, first issued on

September 28, 2004, and expired on December 14, 2014. His most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1363 Josephine Street, Unit D, Waukesha, WI 53186.

2. On or about April 19, 2014, Jason A. San Miguel applied for a real estate broker license and real estate business entity license in the State of Wisconsin.

3. Information received in the application process reflects that Jason A. San Miguel was convicted of the following crimes:

a. On April 24, 2007, he was convicted of misdemeanor Battery and sentenced to twelve (12) months of probation. A sentence of four (4) months in the Milwaukee County House of Correction was stayed. He successfully completed his sentence.

b. On January 11, 2008, he was convicted of misdemeanor Disorderly Conduct and ordered to pay costs and serve ninety (90) days in the Milwaukee County House of Correction. He successfully completed his sentence.

c. On May 13, 2014, he was convicted of misdemeanor Criminal Damage to Property and ordered to pay costs and restitution. He was also sentenced to twelve (12) months of probation, with a sentence of sixty (60) days in the Green Lake County Jail imposed and stayed. He currently owes the Court \$326.24 and is scheduled to be on probation until May 13, 2015.

4. While the charges leading to his Criminal Damage to Property conviction were pending, Jason A. San Miguel voluntarily entered into a twelve (12) week anger management program through Family Service of Waukesha. He successfully completed this program on October 9, 2013.

5. Jason A. San Miguel failed to report any of the above listed convictions to the Board within forty-eight (48) hours after the Judgments of Conviction.

6. On June 2, 2014, the Board denied Jason A. San Miguel's application for a real estate broker license and real estate business entity license on the basis that the above criminal convictions substantially relate to the practice of real estate and create an unreasonable risk of harm to the public as there is no proof that he is competent to practice real estate in a manner that safeguards the interests of the public pursuant to Wis. Stat. §§ 111.335(1)(c) and 452.03.

7. Jason A. San Miguel is otherwise qualified for licensure.

8. Jason A. San Miguel agrees to accept a limited license and 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. §§ 452.05(1)(a) and 452.14(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By failing to report his convictions to the Board within forty-eight (48) hours after the Judgments of Conviction, Jason A. San Miguel violated Wis. Admin. Code § REEB 24.17(1). As a result of this violation, he is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

3. The limitations as set out below are sufficient to address any unacceptable risk of harm Jason A. San Miguel may pose to clients and the public in the practice of real estate.

ORDER GRANTING LIMITED LICENSE

1. The attached Stipulation is accepted.

2. Jason A. San Miguel is REPRIMANDED.

3. The Wisconsin Real Estate Examining Board hereby grants Jason A. San Miguel a real estate broker license.

4. The real estate broker license issued to Jason A. San Miguel is LIMITED as follows:

a. For a period of at least one (1) year from the date Jason A. San Miguel commences practice as a real estate broker:

i. Jason A. San Miguel shall comply with any and all terms of his current probation.

ii. Jason A. San Miguel shall provide a copy of this Order to his probation agent and shall arrange for written reports from his probation agent to be provided to the Department Monitor on a quarterly basis, commencing ninety (90) days after he commences practice as a real estate broker. These reports shall address his compliance with the terms and conditions of his probation.

iii. Jason A. San Miguel shall not supervise other individuals in the practice of real estate.

iv. Jason A. San Miguel shall at all times practice as a real estate broker under the supervision of a Wisconsin licensed real estate broker pre-approved by the Board or its designee.

- v. Jason A. San Miguel shall notify his supervising broker of his history of arrests and convictions, and shall provide a copy of this Order to his supervising broker prior to commencement of the supervision.
- vi. Jason A. San Miguel shall arrange for written reports from his supervising broker to be provided to the Board on a quarterly basis, commencing ninety (90) days after the commencement of the supervision. These reports shall assess work performance, including the nature and extent of his broker activities and whether he has practiced in compliance with all laws governing the practice of real estate.
- vii. Jason A. San Miguel shall commit no new violations of law, and shall report all law enforcement contacts leading to arrest, charge or conviction to the Board within forty-eight (48) hours of any such event.
- viii. Jason A. San Miguel shall report to the Board any change of residence, address or telephone number within five (5) days of the date of a change.

5. Jason A. San Miguel is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. He shall promptly notify the Board of any suspected violations of any of the terms and conditions of this Order.

6. Jason A. San Miguel shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

7. After one (1) year of practice in compliance with all terms and conditions of this Order, Jason A. San Miguel may petition the Board for the modification or termination of the above limitations. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit. A denial of such a petition for modification or termination 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.

8. Any petition to the Board, requests for pre-approval, quarterly reports or other submissions required by this Order shall be sent by Jason A. San Miguel (or others, as appropriate) to the Department Monitor at the address below:

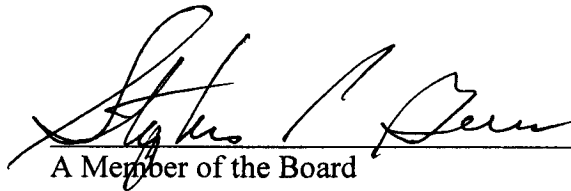
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

9. Upon termination of all terms and conditions of this Order, Jason A. San Miguel may re-apply for a real estate business entity license. The Board may grant or deny the license, in its discretion, or may limit the license as it sees fit.

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 Jason A. San Miguel's real estate broker 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 Jason A. San Miguel fails to submit quarterly reports or comply with any other term of this Order, as set forth above, his real estate broker license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until he has complied with the terms of the order above.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

2-25-15
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST AND APPLICATION :
FOR LICENSURE OF :
: STIPULATION
JASON A. SAN MIGUEL, :
RESPONDENT/APPLICANT. : 0003770

Division of Legal Services and Compliance Case Nos. 14 REB 066 and 14 REB 070

Jason A. San Miguel 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 and a request for a denial hearing initiated by Jason A. San Miguel. Jason A. San Miguel consents to the resolution of this matter by Stipulation.

2. Jason A. San Miguel understands that by signing this Stipulation, he voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against him, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to a hearing on the denial of his credential, at which time he has the burden of proof to show by evidence satisfactory to the credentialing authority that he meets the eligibility requirements set by law for the credential;
- the right to confront and cross-examine the witnesses against him;
- the right to call witnesses on his behalf and to compel their attendance by subpoena;
- the right to testify on his 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Jason A. San Miguel is aware of his right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

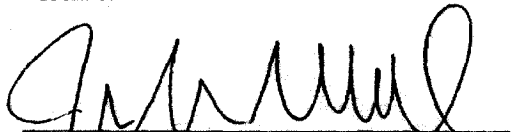
4. Jason A. San Miguel agrees to the adoption of the attached Order Granting Limited License by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, pleading, appearance or consent of the parties. Jason A. San Miguel 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.

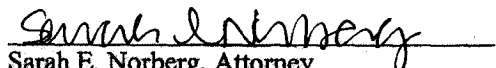
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Jason A. San Miguel, 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 Order Granting Limited License.

7. Jason A. San Miguel is informed that should the Board adopt this Stipulation, the Board's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Jason A. San Miguel in recommending the Board adopt this Stipulation and issue the attached Order Granting Limited License.


Jason A. San Miguel, Respondent/Applicant
1363 Josephine Street, Unit D
Waukesha, WI 53186

1/22/15
Date


Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/10/15
Date