

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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/wscca>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON LICENSE

GREGORY OLDHAM
APPLICANT

:
:
: ORDER GRANTING
LIMITED LICENSE

:
:
: 0004160

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

GREGORY OLDHAM
9137 33RD AVE
KENOSHA, WI 53142

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

FINDINGS OF FACT

- I. GREGORY OLDHAM (Applicant) has filed an application (#536704) for a credential to practice as a real estate salesperson in Wisconsin.
- II. Information received in the application process reflects that the Applicant previously held a securities agent registration from the Wisconsin Department of Financial Institutions (DFI) and a Wisconsin intermediary insurance license from the Office of the Commissioner of Insurance (OCI).
- III. Information received in the application process reflects that the Application has the following history of disciplinary actions and other legal proceedings relating to his previous credentials:
 - A. During 2004, the Brokerage that the Applicant worked for changed Broker/Dealer to Advanced Planning Securities. Advanced Planning Securities presented a private placement known as "Endeavor" Real Estate Fund, LLC.
 1. During the years of 2004-2007 Applicant sold Endeavor Funds.
 2. All three of the actions concerning the Applicant's credentials relate to the sale of Endeavor Funds.
 - B. During 2009, DFI instituted disciplinary proceedings against Applicant.
 1. Applicant informs that during the years of 2004-2007 he sold Endeavor Funds with a "6" and "63" license. Applicant believed he could recommend the funds as long as a "Series 7" licensee did the paperwork and signed off on them. This was an erroneous assumption, resulting in this disciplinary action.

2. On or about March 27, 2009 an Order of Suspension and Conditions in Connection with the Issuance of a Securities Agent Registration was entered. Applicant neither admitted nor denied the allegations of the Petition. However, Applicant did not to contest the issuance of the Order and waived his right to a hearing. The subsequent Order included the following:
 - i. 60 day suspension
 - ii. Requirement to take and pass Series 63 examination within 6 months
 - iii. Submit to special supervision for 12 months
 - iv. Restriction to only sell to “accredited investors” for a period of 2 years
 - v. Restriction of investments of less than 50% of the customer’s net worth
 - vi. Complete 20 hours of formal training
 - vii. Attendance at a conference with the DFI to review policies, procedures and expectations for agents and investment adviser representatives
- C. On or about October 22, 2009 the Federal Securities and Exchange Commission (Commission) filed a Complaint in the United States District Court in the Eastern District of New York.
 1. The Commission’s complaint alleged that from 2004 through 2006 the Brokerage Company that Applicant worked for had victimized an estimated 90 investors who collectively invested \$12 million in the funds.
 2. The Commission alleged Applicant violated the registration provisions of the securities laws by selling securities for which there was no registration statement in effect. Among other things, the complaint also alleged that Applicant sold securities to elderly, unsophisticated investors who could not have been expected to understand the risks associated with the investments.
 3. On or about April 20, 2011 the Judge entered a Final Judgment on Consent against Applicant. Applicant consented to the entry of Judgment without admitting or denying any of the allegations of the Commission’s complaint. The Judgement resulted in the following:
 - i. Applicant was permanently enjoined from violating Section 5 of the Securities Act of 1933
 - ii. Applicant was found liable for disgorgement and prejudgment interest of \$673,989, but the court waived payment of that amount and imposes no civil penalty based on Applicant’s sworn statement of financial condition and other documents.
- D. During 2011 the OCI conducted an investigation relating to the Applicant’s sales of Endeavor Funds.
 1. OCI alleged Applicant made unsuitable sales to consumers by failing to properly consider suitability in selling life insurance or annuities.
 2. Applicant denied the allegations, but on or about April 29, 2011, entered into a Stipulation and Order which resulted in the following:
 - i. Applicant voluntarily surrendered his Wisconsin intermediary insurance license effective May 1, 2011
 - ii. Applicant agreed to the imposition of a forfeiture of \$1000

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. §§ 15.08(5)(c) and 452.05(1)(a).
2. 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, pursuant to Wis. Stat. § 452.03.

ORDER

NOW, THEREFORE, IT IS ORDERED that GREGORY OLDHAM 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 of Safety and Professional Services Monitor (Department Monitor).
2. Applicant shall notify his broker-employer of his history of professional disciplinary proceedings prior to employment, and shall provide a copy of this Order to his supervisor 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, including any conviction resulting from his pending charge.

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 the 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@wi.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 practice in compliance with all terms and conditions of this Order. "Practice in compliance" includes the submission of work reports, the content of which are satisfactory to the Board. 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 ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

Summary Suspension/Additional Discipline

9. In the event that Applicant violates any term of this Order, Applicant's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Applicant 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.

Costs

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

Dated at Madison, Wisconsin this 28 day of July, 2015

Stephen Beers
Stephen Beers, Chairperson
Real Estate Examining Board

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR
A REAL ESTATE SALESPERSON LICENSE

GREGORY OLDHAM
APPLICANT

STIPULATION

0004160

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Real Estate Examining Board as follows:

The Applicant has filed an application for a real estate salesperson license. Information received by the Board has raised concerns about this applicant's ability to practice real estate in a manner that safeguards the interests of the public. Based upon the information of record, the Board agrees to issue and the Applicant agrees to accept a Limited License as a real estate salesperson subject to the terms and conditions set forth in the attached Order.

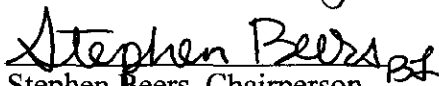
Dated this 22nd day of July, 2015


Gregory Oldham, Applicant

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

Dated this 28 day of July, 2015

By:


Stephen Beers, Chairperson
Real Estate Examining Board