

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

JOHN W. TORGERSON,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

00044 12

Division of Legal Services and Compliance Case No. 14 REB 134

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

John W. Torgerson
DOC: 00628235
Columbia Correctional Institution
P.O. Box 900
Portage, WI 53901-0950

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

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 Real Estate Examining Board (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. Respondent John W. Torgerson (dob 7/23/1950) is licensed in the State of Wisconsin as a real estate broker, having license number 29611-90, first issued on October 4, 1983 and expired on December 15, 2014. John W. Torgerson's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W2516 Silver Springs Drive, Eau Claire, Wisconsin 54701.

2. Respondent's address as identified on the Department of Corrections website is Columbia Correctional Institution, P.O. Box 900, Portage, Wisconsin 53901.

3. On October 17, 2014, Respondent was convicted of 47 felonies involving improper securities sales in Eau Claire County Circuit Court (Case No. 2013CF000318) as follows:

- a. Ten felony convictions of selling securities without registration;
- b. Fourteen felony convictions of offering or selling a security without registration;
- c. Nine felony convictions of making false statements regarding a security sale; and
- d. Fourteen felony convictions of making misleading statements or omissions in connection with securities trading.

4. As indicated on the judgment of conviction, Respondent was sentenced to 73 years in state prison and 49 years of extended supervision; however, all sentences are concurrent with counts 1 and 5, thus, Respondent has a sentence length of four years in state prison and two years of extended supervision.

5. Respondent's convictions as set forth herein are substantially related to the practice of a real estate broker.

6. Respondent failed to notify the Board in writing of the convictions within 48 hours after entry of the judgment of conviction.

7. In resolution of this matter, Respondent 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. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, John W. Torgerson violated Wis. Admin. Code § REEB 24.17(1) by violating any law the circumstances which substantially relate to the practices of a real estate broker.

3. By the conduct described in the Findings of Fact, John W. Torgerson violated Wis. Admin. Code § REEB 24.17(1) by failing to send to the board within 48 hours 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.

4. By the conduct described in the Findings of Fact, John W. Torgerson is subject to discipline pursuant to Wis. Stat. § 454.14(3)(p) by being convicted of a felony that is a bar to licensure under Wis. Stat. § 452.25(1)(a).

5. Pursuant to Wis. Stat. § 440.085(3), John W. Torgerson retains the right to automatically renew his real estate broker license number 29611-90 through December 14, 2019.

6. As a result of the above violations, John W. Torgerson is also subject to discipline pursuant to Wis. Stat. § 454.14(3)(k), and (L).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent John W. Torgerson's right to renew his real estate broker license (no. 29611-90) is ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of his real estate broker license and his right to practice real estate in the State of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice real estate in the State of Wisconsin.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

12-3-15
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN W. TORGERSON,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004412

Division of Legal Services and Compliance Case No. 14 REB 134

Respondent John W. Torgerson 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. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

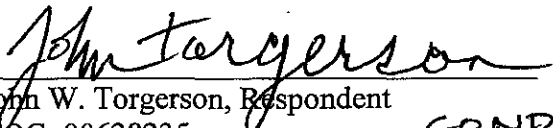
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 Respondent, 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 Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

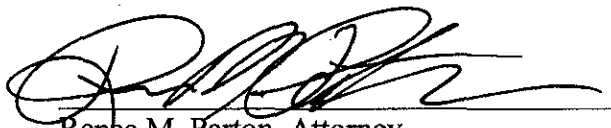

John W. Torgerson, Respondent
DOC: 00628235

Columbia Correctional Institution
P.O. Box 900
Portage, WI 53901-0950
License no. 6476-1

11-18-15

Date

CONDITIONAL ON THE
ATTACHMENT OF MY
LETTER DATED 11-18-15


Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/23/2015

Date

NOV 18, 2015

RUSSELL PARTON
DIV. OF LEGAL SUCS

DEAR MS. PARTON!

I HAVE ENCLOSED P. 2, SIGNED, AT
YOUR REQUEST.

PLEASE BE ADVISED THAT I BEGAN
SERVING A FOUR YEAR SENTENCE ON
MAR 20, 2015 AND AM CURRENTLY
BEING HELD IN COLUMBIA MAXIMUM
PRISON.

I PLEADED NOT GUILTY TO THESE
CHARGES AND WOULD NEVER HAVE
BEEN CONVICTED WERE IT NOT FOR
STRICT LIABILITY, WHICH I CON-
SIDER A VIOLATION OF MY 5TH, 14TH
AND 8TH AMENDMENT RIGHTS. AS A
LEGAL SCHOLAR, I AM SURE YOU
RECALL THAT STRICT LIABILITY WAS
NOT ENVISIONED FOR CRIMES
INVOLVING LENGTHY PRISON TERMS.
RENEWING PERFECTLY LEGAL NOTES
SHOULD NOT BE A CRIME, PARTICULAR-
LY WHEN THE STATUTE IS SILENT RE-
GARDING THE TERM RENEWAL!

QUARLES & BRADY HAS GRACIOUSLY
AGREED TO HANDLE MY APPEAL PRO-

NOV 18, 2015

BOND, BELIEVING THAT "AN IN-
JUSTICE HAS BEEN DONE IN MY
CASE".

IN THE MEANTIME, AS OF MY
CONVICTION DATE OF OCT 17, 2014,
I CEASED PAYING RENEWALS, EVEN
THOUGH MY TRIAL ATTY HAD ASSURED
ME MY "PAPER CRIMES" WOULD NOT
JUSTIFY INCARCERATION.

GIVEN MY FOUR YEAR SENTENCE
AND MY AGE, (65 ON 7-23-15) I
HAVE NO INTEREST IN RENEWING
EITHER LICENSE. ALSO, I REALIZE
THAT ANY APPELLATE RELIEF IS LIKELY
TO TAKE ANOTHER YEAR, AFTER A
MOTION FOR RECONSIDERATION.

I THEREFORE HAVE SIGNED P.2
ON THE CONDITION THIS LETTER
BECOME ATTACHED THERETO.

VERY TRULY YOURS,

JOHN W. TORGETSON 628235
COLUMBIA MAXIMUM PRISON
P.O. 900
PORTAGE, WI 53901-0900

P.S. PLS RETURN A COPY OF THIS LETTER
AS COPIES ARE DIFFICULT IN MAX,
PRISON.