

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR  
A REAL ESTATE SALESPERSON  
LICENSE

KOUA XIONG,  
APPLICANT

ORDER GRANTING  
LIMITED LICENSE

0005942

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

KOUA XIONG  
1128 MORRAINE VIEW DR. UNIT 202  
MADISON, WI 53719

REAL ESTATE EXAMINING BOARD  
4822 MADISON YARDS WAY  
P.O. BOX 7190  
MADISON, WI 53707-7190

FINDINGS OF FACT

1. KOUA XIONG (Applicant) has filed an application (#645307) for a license to practice as a Real Estate Salesperson in Wisconsin.
2. Information received in the application process reflects that the Applicant has the following violations and convictions on his record:
  - a. In 2008 -- OWI (1<sup>st</sup>), Hit and Run, and Operating Without a Valid Driver's License, all ordinance violations.
    - a. Applicant drove home after drinking at a party. He was pulled over after driving without headlights on and striking another vehicle, and was not in possession of a valid driver's license.
    - b. Applicant admits to the behavior and says he paid his fine and completed a counseling program.
  - b. On or about October 9, 2009 -- Operating While Revoked, a misdemeanor conviction.
    - a. Applicant was pulled over for a seat belt violation and was found to be suspended.
    - b. Applicant admits to driving knowing he was suspended and says he paid his fine.
  - c. On or about June 27, 2014 -- Operating While Under Influence (2<sup>nd</sup>), a misdemeanor.

- a. Applicant was pulled over for loud exhaust and failed a field sobriety test. He blew a .127.
  - b. Applicant served 10 days in jail and his license was suspended.
- d. On or about June 5, 2015 – Threatening Computer Message, a misdemeanor.
  - a. Applicant sent text messages threatening to damage the victim's car which put the victim in fear that his property would be damaged.
  - b. Applicant admitted to making the statements. He was put on probation for one year.
- e. On or about July 18, 2016 – Operating While Revoked (2<sup>nd</sup>), an ordinance violation.
  - a. Applicant was stopped while driving with a revoked license when the arresting officer ran a DOT check on his car.
  - b. Applicant admitted to knowing he was on a revoked license.
- f. On or about February 8, 2017 – Disorderly Conduct, a misdemeanor.
  - a. Applicant went to his mother's home while intoxicated demanding to see his girlfriend and his son. Applicant's actions led his mother and sister to believe he had a gun. Applicant threatened to commit suicide and threatened to "kill everyone here" if he was not allowed in, and broke the door.
  - b. Applicant surrendered to the police the night of the incident and acknowledges it in his statement. He is currently on probation and his probation agent says he has been cooperative with programming.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 452.05(1)(a) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).
2. The facts and circumstances of the above referenced convictions under the Findings of Fact relate to the practice of a Real Estate Salesperson, and demonstrate the Applicant is not competent to transact the business or occupation in a manner that safeguards the interest of the public.
3. 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 KOUA XIONG is GRANTED A REAL ESTATE SALESPERSON LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

##### Practice Limitations

- A.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).

- A.2. Applicant shall show a copy of this Order to his current and any future employer. Applicant shall provide the Department Monitor with written acknowledgement from each employer that a copy of this Order has been received. Such acknowledgement shall be provided to the Department Monitoring within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- A.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 convictions resulting from pending charges.
- A.4. Applicant shall not be permitted to drive current or prospective clients, or any individual in connection with Applicant's employment as a Salesperson, in any motor vehicle.

#### Reporting Requirements

- A.5. Applicant shall file quarterly reports with the Board at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment. Each report shall include the following:
  - i. The name, address and telephone number of Applicant, and name, address and telephone number of his employer;
  - ii. 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.
- A.6. 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.
- A.7. Applicant shall arrange for written reports from his broker-supervisor(s)/employer(s) to be provided to Department Monitor on a quarterly basis. The first employer report is due ninety (90) days after Applicant commences employment, or 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 as a salesperson.
- A.8. 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.
- A.9. The Department Monitor is the individual designated by the Board 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  
4822 Madison Yards Way  
P.O. Box 7190  
Madison, WI 53707-7190  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
dspsmonitoring@wi.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

Petitions for Modification or Termination

- A.10. Applicant may petition the Department Monitor for modification of the terms of this Order after completion of two (2) 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 (2) years of Real Estate Sales 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.
- A.11. Applicant may petition for full, unrestricted licensure upon demonstration of continuous, successful Real Estate Sales practice in compliance with the terms of the Order for at least two (2) years. "Practice in compliance" includes the submission of work reports and/or Treater(s) reports, the content of which are satisfactory to the Board, Department Monitor, or their designee(s).

Costs

- A.12. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.

Suspension

- A.13. In the event that the 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 provided proof, which is determined by the Board or its designee to be sufficient, that Applicant is in compliance 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.

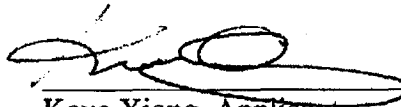
Dated at Madison, Wisconsin this 5 day of November, 2018

By:


Robert Webster *ek*  
A Member of the Real Estate Examining Board

- I. The Applicant has filed an application for a license as a Real Estate Salesperson.
- II. Information received by the Board reflects a basis for denial of the license application.
- III. Based upon the information of record herein, the Board agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a Real Estate Salesperson, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - a) the right to request a hearing related to the denial of the application;
  - b) assuming a hearing takes place wherein the Applicant has the burden of proof by a preponderance of the evidence:
    - i. the right to confront and cross-examine the witnesses against Applicant;
    - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
    - iii. the right to testify on Applicant's own behalf;
    - iv. 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;
    - v. the right to petition for rehearing; and
  - c) all other applicable rights afforded to the Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.

  
Koua Xiong, Applicant  
1128 Morrairie View Dr. Unit 202  
Madison, WI 53719  
Application no. 645307

11/5/18  
Date

  
A Member of the Real Estate Examining Board  
Department of Safety and Professional Services  
4822 MADISON YARDS WAY  
P.O. BOX 7190  
MADISON, WI 53707-7190

11/5/18  
Date