

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF APPLICATION FOR :  
REINSTATEMENT OF A :  
REAL ESTATE SALESPERSON CREDENTIAL : ORDER GRANTING  
FOR : LIMITED LICENSE  
:  
JUAN ALCANTARA, :  
APPLICANT. : **ORDER 0006774**

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

OTJuan Alcantara  
Milwaukee, WI, 53215

The Wisconsin Real Estate Examining Board  
Department of Safety and Professional Services  
4822 Madison Yards Way  
P.O. Box 8935  
Madison, WI 53708-8935

FINDINGS OF FACT

1. Applicant OTJuan Alcantara (Birth Year: 1980) was licensed by the State of Wisconsin as a OTReal Estate Salesperson having OTReal Estate Salesperson credential number 72595-94, first issued on September 25, 2008. On December 14, 2010 after Applicant did not a renewal application of this credential, Applicant's credential expired. Applicant's most recent address on file with the Department of Safety and Professional Services (Department) is in Milwaukee, WI, 53215.

2. On or about January 10, 2020, Applicant filed an application (#708875) to reinstate the above-referenced credential.

3. Information on file establishes that Applicant has the following convictions:

a. On or about February 4, 2011 – Criminal Slander of Title (Party to a Crime), a felony conviction.

i. You were ordered to complete a psychological evaluation and to cooperate with the recommended treatments. You were ordered to not be involved in any real estate companies or similar companies while serving your sentence and probation. You were ordered to pay costs and attorney fees. You have completed probation at this time.

4. The facts and circumstances of your convictions include but are not limited to the following:

a. On your Form 2252 filed with your application, you stated the following:

- i. This conviction arose from events which occurred when you worked with your friend to plan a way for your friend to avoid foreclosure.
- ii. You were working in the mortgage industry and saw people losing their homes to banks. You were afraid for your employment, so you started to research prior court cases. You learned a possible way to help homeowners stop foreclosure.
- iii. You explained what you had learned to a friend and then helped him. You filed paperwork with the court and the register of deeds to challenge his foreclosure case. The filing of this paperwork is what caused you to be convicted.
- iv. You have completed the supervision and psychological evaluation, as well as of the prohibitions and conditions.

b. The criminal complaint indicated the following:

- i. An officer with the Milwaukee County District Attorney's office conducted an investigation in which he was advised by the Deputy Register of Deeds that three (3) documents were recorded at the Milwaukee County Register of Deeds on two (2) properties and all three (3) documents were forgeries. All three (3) documents bear the signature of Jessica L. Lamar, who is purported to be an authorized agent of Wells Fargo Bank, but Wells Fargo has no employee or authorized agent with that name.
- ii. In order to help a friend avoid foreclosure on two (2) properties, you proposed a plan in which your friend transferred the properties to a trust controlled by you. The addresses used for the return addresses for the forged documents were mailboxes that were controlled by you. When interviewed you did not deny any assertions. You devised this plan in order to enrich yourself by fraud.
- iii. You forged the documents in order to lift the indebtedness from the properties and you then planned to sell the properties, dodge paying the banks for the legitimate mortgages and therefore obtain the entire sales proceeds.

5. After initial review of your file, the Board issued a letter dated April 3, 2020, informing you of the Board's intent to deny your application for an unlimited Licensed Real Estate Salesperson credential and requesting that you provide evidence of your rehabilitation since your conviction.

6. On or about April 10, 2020, you provided your response which was forwarded to the Board for review. You provided a statement, and a character reference letter from Daniel A. Lee, Esq., a colleague of five years and Vice President of Van Buren Management Inc.

## CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction over this matter pursuant to Wis. Stat. §§ 452.14(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 15.08(5)(c) and 227.44(5).

2. Pursuant to Wis. Stat. § 452.14(3)(p), the Real Estate Examining “[B]oard may revoke, suspend, or limit the license of any licensee,... if it finds that the licensee has done any of the following:... (p) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to real estate practice.” A substantial relationship occurs where “the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed.” *County of Milwaukee v. Labor & Industry Review Comm’n*, 139 Wis. 2d 805, 824 (1987). The crux of the inquiry is the circumstances which foster criminal activity, e.g., the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person. *Id.*

- a. The facts and circumstances surrounding the above-referenced conviction record substantially relate to the practice of a Real Estate Salesperson.
- b. Real Estate Salespersons are expected to deal with sensitive financial information of clients. Your conviction involves theft and dishonesty. Your conviction shows that you might be tempted to use that information in some way to benefit yourself. You were working in real estate when the offense occurred, and you used your real estate knowledge and experience to try illegally help a friend avoid foreclosure.

3. Limitations upon Applicant’s license are necessary to safeguard the interests of the public, pursuant to Wis. Stat. § 452.03.

4. As a result of the conclusions stated above, Applicant is subject to limitations against his license, pursuant to Wis. Stat. §§ 111.335(3)(a)1. and 452.14(3).

## ORDER

1. The attached Stipulation is accepted.

2. Applicant Juan Alcantara is GRANTED a Real Estate Salesperson license subject to the following LIMITATIONS, effective the date of this order:

### A. 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-supervisor(s)/employer(s) of his history of arrests and convictions prior to employment. 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.

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 forty-eight (48) hours of any such event, including any convictions resulting from pending charges.

**B. Reporting Requirements**

1. Applicant shall file quarterly reports with the Board at the direction of the Department Monitor commencing ninety (90) days after Applicant commences employment under this Order. 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.
  - iii. 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.
2. Applicant shall arrange for written reports from his broker-supervisor(s)/employer(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 as a salesperson.
3. 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.
4. 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  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone: (608) 267-3817; Fax: (608) 266-2264  
dspsmonitoring@wi.gov

You may also submit this information online via DSPS Monitoring Case management System here:

<https://app.wi.gov/DSPSMonitoring>

C. Petitions for Modification

1. Applicant may petition the Department Monitor for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms and conditions of the Order for at least two (2) years. "Practice in compliance" includes the submission of work reports, the contents of which are satisfactory to the Board. Applicant's petition must include her 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 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 full licensure 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.

D. Costs

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

E. Suspension

1. 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 1st day of May, 2020

Thomas Rickie / C. A.

A Member of the Wisconsin Real Estate  
Examining Board

STATE OF WISCONSIN  
BEFORE THE WISCONSIN REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF THE APPLICATION FOR :  
REINSTATEMENT OF A :  
REAL ESTATE SALESPERSON CREDENTIAL :  
FOR :

STIPULATION

JUAN ALCANTARA,  
APPLICANT. :

**ORDER 0006774**

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Applicant Juan Alcantara and the Wisconsin Real Estate Examining Board (Board) stipulate as follows:

1. This Stipulation is entered into as a result of a review of Applicant's reinstatement application for a Real Estate Salesperson credential. Applicant consents to the issuance of the Order attached as resolution of that application.

2. Information received by the Board reflects a basis for denial of Applicant's reinstatement application.

3. Based upon the information of record herein, the Board agrees to issue and Applicant agrees to accept an Order Granting a Limited License for reinstatement of a Real Estate Salesperson credential, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.

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

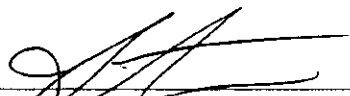
- the right to a hearing on the conduct allegations against Applicant, related to the denial of the reinstatement application, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Applicant;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

5. 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.

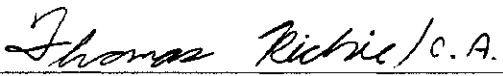


6. Applicant agrees to the adoption of the attached Order Granting Limited License by the Board. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, pleading, appearance, or consent of the parties. Applicant waives all rights to any appeal of the Board's order, if adopted in the form as attached.

7. Applicant is informed that when the Board adopts this Stipulation, the Board's Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

  
\_\_\_\_\_  
Juan Acantara, Applicant  
Milwaukee, WI, 53215  
License no. 72595-94

4/22/20  
Date

  
\_\_\_\_\_  
A Member of the Wisconsin Real Estate  
Examining Board

05/01/20  
Date