

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 :
RENEWAL OF :
REAL ESTATE SALESPERSON CREDENTIAL :

JORDAN W. LUTHER,
APPLICANT. :

ORDER GRANTING
LIMITED LICENSE

ORDER 0007548

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

Jordan W. Luther
La Crosse, WI 54603

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the resolution of this renewal application. The Real Estate Examining Board (Board) adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On or about December 14, 2020, Jordan Luther (DOB xx-xx-1995) (Applicant) filed an application to renew his Wisconsin Real Estate Salesperson credential (#85643-94).
2. Information on file establishes that Applicant has the following convictions on his record:
 - A. On or about November 6, 2017 – Operating While Intoxicated (OWI) 1st, an ordinance violation.
 - B. On or about June 3, 2021 – Operating with Prohibited Alcohol Concentration (PAC) 2nd, a misdemeanor conviction.
 - i. The Criminal Complaint indicates that while driving, Applicant hit a curb resulting in a flat tire. Applicant called a towing service. The towing service notified the police when the Applicant sounded impaired over the phone. After arriving at the scene, the police officer believed Applicant to be under the influence due to Applicant's glossy eyes and slurred speech. Applicant admitted to drinking at a bar. Applicant failed the Standard

Field Sobriety Test and blew a Preliminary Breath Test of .414. A blood test returned a Blood Alcohol Level of .194 g/100mL.

- ii. Applicant was ordered to pay a fine and costs. Applicant's driver's license was revoked for twelve (12) months, and he was ordered to install an Ignition Interlock Device (IID) in his vehicle.
- iii. Applicant was ordered to complete an Alcohol and Other Drug Abuse (AODA) Assessment. On March 18, 2021, the Assessment found Alcohol Dependency.

3. In resolution of this matter, Applicant consents to the entry of the following Conclusions of Law and Order.

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 the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 452.14(3)(p), the Board may limit the license of any licensee if it finds that the licensee has been convicted of an offense the circumstances of which substantially relate to real estate practice.

3. Pursuant to Wis. Stat. § 111.335(3)(a)1., it is not employment discrimination because of conviction record to refuse to license any individual if the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular licensed activity.

4. 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.*

5. The facts and circumstances of Applicant's conviction record substantially relate to the practice of a Real Estate Salesperson.

6. At this time, due to the recency of Applicant's alcohol-related conviction, Applicant has failed to show competent evidence of sufficient rehabilitation and fitness to practice as a Real Estate Salesperson without limitations.

7. Applicant, by his conduct, is subject to limitations against his credential, pursuant to Wis. Stat. §§ 452.14(3)(p) and 111.335(3)(a)1.

ORDER

1. The attached Stipulation is accepted.
2. Limitations upon Applicant's Real Estate Salesperson credential are necessary to ensure that he is fit and competent to safely practice as a Real Estate Salesperson.
3. Applicant's ability to practice as a Real Estate Salesperson is granted subject to the following LIMITATIONS:
 - A. For a period of at least two (2) years from the date of this Order:
 - i. Applicant shall abstain from all personal use of alcohol.
 - ii. Applicant shall comply with all of the terms of his sentence for his June 3, 2021, Operating with Prohibited Alcohol Concentration (PAC) 2nd, misdemeanor conviction including the installation of an IID in his vehicle.
 - iii. Applicant shall attend at least twenty-four (24) AODA counseling sessions annually (at least twice a month) with a certified substance abuse counselor at a Veterans Affairs facility to address any alcohol dependency issues. Applicant shall arrange for written reports from his counselor to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall provide proof of participation in counseling and assess Applicant's progress with treatment for any alcohol dependency issues.
 - iv. Applicant shall, at all times, practice as a Real Estate Salesperson under the supervision of a Wisconsin licensed Real Estate Broker pre-approved by the Board. Applicant is approved to practice under the supervision of Real Estate Broker Ryan Olson (#55051-90). Pre-approval of any future broker-supervisor shall be obtained through correspondence with the Department Monitor.
 - v. Applicant shall provide 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.
 - vi. Applicant shall arrange for written reports from his broker-supervisor(s)/employer(s) to be provided to the Department Monitor on a quarterly basis, as directed by the 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.

- vii. Applicant shall not drive current or prospective real estate clients in any motor vehicle that requires a Department of Transportation issued license.
- viii. Applicant must have and maintain a valid driver's license when driving for purposes of conducting real estate business.
- ix. Applicant shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.
- x. 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.

4. Applicant may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one (1) year from the date of this Order. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

5. After two (2) consecutive years of successful compliance with this Order, Applicant may petition the Board for full, unrestricted license. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

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

This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov>

7. In the event Applicant violates any term of this Order, Applicant's license, or Applicant's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing. The Board or its designee may terminate the

suspension if provided with sufficient information that Applicant is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee. 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.

8. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

By: Thomas J. Rubin SEN
A Member of the Board

08/11/2021

Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF APPLICATION FOR :
RENEWAL OF :
REAL ESTATE SALESPERSON CREDENTIAL :

JORDAN W. LUTHER,
APPLICANT. :

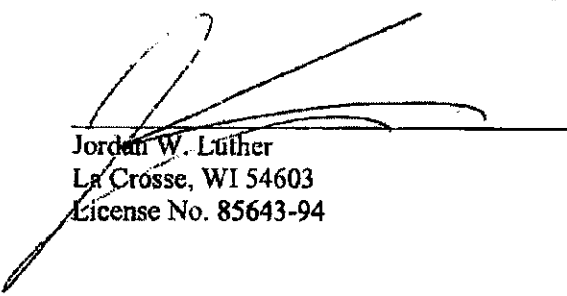
STIPULATION
ORDER 0007548

It is stipulated between Applicant and the Real Estate Examining Board (Board) as follows:

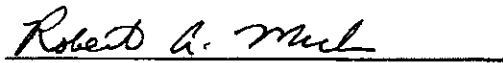
1. Applicant filed an application to renew a Real Estate Salesperson credential #85643-94.
2. Information received by the Board reflects a basis for denial of the renewal application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting renewal of a limited 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 request a hearing related to the denial of the application;
 - 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. Applicant is represented in this matter by Attorney Robert A. Mich, Jr.
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, appearance, or consent of the parties.

7. Applicant waives all rights to any appeal of the Board's Order, as adopted in the form as attached.

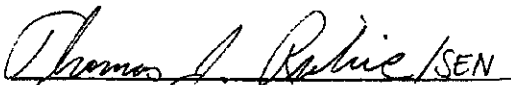
8. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard procedure.


Jordan W. Luther
La Crosse, WI 54603
License No. 85643-94

08/10/2021
Date


Robert A. Mich, Jr., Attorney for Applicant
Law Offices of Kay & Andersen, LLC
One Point Place, Suite 201
Madison, WI 53719

8/11/21
Date


A Member of the Wisconsin Real Estate
Examining Board
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935

08/11/2021
Date