

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscga>

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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
KELTON J. OLSON, :
RESPONDENT. :

ORDER 0007742

Division of Legal Services and Compliance Case No. 20 REB 023

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

Kelton J. Olson
Winona, MN 55987

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 Kelton J. Olson (Birth Year 1997) was licensed by the State of Wisconsin as a Real Estate Salesperson, having license number 87489-94, first issued on October 26, 2018, and expired on December 15, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Winona, Minnesota 55987.

2. On January 23, 2020, Respondent was convicted of "Controlled Substance Crime in the Fifth Degree – Sale of THC" in Winona County (Minnesota) District Court, case number 85-CR-19-1657.

3. Respondent was sentenced to one day in jail, a \$260 fine, 80 hours of community service, and two years and six months of probation.

4. Respondent's conviction is classified as a felony, but under Minnesota law it will become a misdemeanor upon his successful completion of probation.

5. On March 4, 2020, Respondent reported his conviction to the Department. The Division of Legal Services and Compliance (DLSC) opened case number 20 REB 023 for investigation.

6. As part of the investigation, the Department discovered that Respondent had been issued a citation in Winona County on May 9, 2018, for "Minor Consumption of Alcohol."

7. When Respondent applied for his Real Estate Salesperson license, he answered "no" to the question, "Have you ever been convicted of a misdemeanor, felony, *or other violation of federal, state, or local law* or do you have any felony, misdemeanor, or other violation of federal, state, or local law charges pending against you in this state or any other? This includes municipal ordinances resulting only in monetary fines or forfeitures and convictions resulting from a plea of no contest, a guilty plea, or verdict" (emphasis added).

8. On January 19, 2021, Respondent told a Department investigator that he was not currently practicing real estate, but he may wish to do so in the future.

9. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent Kelton J. Olson retains the right to renew his real estate salesperson license until December 14, 2025.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 452.14(3)(a) by making a material misstatement in the application for a license, or in any information furnished to the board or department.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(1) by violating any law the circumstances of which substantially relate to the practices of a real estate licensee, and 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 in order that the board may determine whether the circumstances of the crime of which the licensee was convicted are substantially related to the practice of a real estate licensee, pursuant to s. 111.335 (3) (a), Stats.

5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Kelton J. Olson is REPRIMANDED.
3. Respondent Kelton J. Olson's right to renew his Real Estate Salesperson license (no. 87489-94) is LIMITED as follows:
 - a. Respondent may not renew his license until he has completed probation in case number 85-CR-19-1657.
 - b. If Respondent's probation is revoked, he may not renew his license until he has completed all sentencing requirements imposed upon revocation.
4. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,085.
5. All required submissions and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

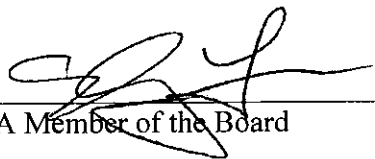
This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://app.wi.gov/DSPSMonitoring>.

6. In the event Respondent violates any term of this Order, Respondent's license (no. 87489-94), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board

9 December 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KELTON J. OLSON,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0007742

Division of Legal Services and Compliance Case No. 20 REB 023

Respondent Kelton J. Olson 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.

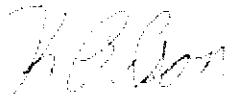
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

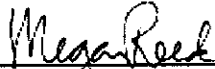
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Kelton J. Olson, Respondent
Winona, MN 55987
Credential No. 87489-94

10/12/21

Date



Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/18/2021

Date