

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

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>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

---

IN THE MATTER OF APPLICATION FOR A :  
REAL ESTATE SALESPERSON CREDENTIAL :  
ILIAS SWOGER, : ORDER GRANTING  
APPLICANT. : LIMITED LICENSE  
**ORDER 00085 17**

---

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

Ilias Swoger  
Elkhorn, Wisconsin, 53121

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 initial 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 August 28, 2022, Ilias Swoger (Applicant) filed an application for a Real Estate Salesperson credential (#823359).
2. Information on file establishes that Applicant has the following convictions:
  - A. On or about July 6, 2021 – Operating While Revoked, a misdemeanor, in Walworth County case 20 CT 474.
    - i. According to the Criminal Complaint, on September 30, 2020, Applicant was driving a vehicle. At the time, Applicant’s driving privilege was revoked due to a previous OWI 1st. Applicant was charged with Operating While Revoked (OAR).
    - ii. According to the Judgement of Conviction, on July 26, 2021, Applicant pled guilty to the OAR. Applicant was sentenced to a fine and court costs.
  - B. On or about October 5, 2022 – Operating While Intoxicated – 2<sup>nd</sup> Offense, a misdemeanor, in Walworth County case 22 CT 301.

- i. According to the Criminal Complaint, on July 26, 2021, officers observed Applicant in a car within a park after hours. Applicant told officers he had ingested marijuana and drove the car. Marijuana was in the vehicle. Applicant's blood draw revealed he had marijuana in his system. Applicant was charged with OWI 2nd, having been cited for an OWI 1st violation previously, on April 24, 2020.
  - ii. According to the Judgment of Conviction, on October 5, 2022, Applicant pled guilty to the OWI 2nd. Applicant was sentenced to a fine, court costs, sixty (60) days jail, a fourteen (14) month driver's license suspension, a fourteen (14) month ignition interlock device requirement, and an AODA assessment.
- C. On or about October 5, 2022 - Applicant received the following convictions in Walworth County case 21 CM 497:
- i. Bail Jumping, a misdemeanor.
  - ii. Two (2) separate convictions for Possession of THC [Modifier: Possession of a Controlled Substance on or near Certain Places], both misdemeanors.
  - iii. Two (2) separate convictions for Possess Drug Paraphernalia, both misdemeanors.
    1. According to the Criminal Complaint, on July 26, 2021, officers observed Applicant in a car within a park after hours. A strong odor of burnt marijuana was coming from the defendant, and Applicant told officers that there was marijuana in the vehicle. A blunt was in the center console, and cigar packages were in the vehicle. When this offense occurred, Applicant was on bond in 20 CT 474.
    2. According to the Criminal Complaint, on August 5, 2021, officers executed a search warrant at Applicant's residence, which was located within 1000 feet of a school. In Applicant's room, officers located plastic storage bags, marijuana, and THC wax.
    3. According to the Criminal Complaint, Applicant was charged with Misdemeanor Bail Jumping, two (2) counts of Possession of THC On or Near Certain Places, and two (2) counts of Possession of Drug Paraphernalia.
    4. According to the Judgment of Conviction, on October 5, 2022, Applicant pled guilty to all the charges above. Applicant was sentenced to two (2) years of probation, with fines, court costs, community service, and an order for absolute sobriety.

3. Information on file establishes the following:
  - A. According to treatment documentation provided by Applicant, Applicant previously completed an AODA assessment on June 9, 2021, following the OWI 1st. The assessment recommended treatment. Applicant successfully completed this treatment on October 25, 2021.
  - B. According to treatment documentation provided by Applicant, Applicant completed an AODA assessment as ordered by the OWI 2<sup>nd</sup> sentence on November 16, 2022. Applicant was found to have Irresponsible Use of a Controlled Substance and/or Other Drug Use – Borderline. The assessment recommended that Applicant attend outpatient treatment.
  - C. According to treatment documentation provided by Applicant, on January 3, 2023, Applicant completed intake for outpatient treatment, and was scheduled to begin outpatient therapy on January 23, 2023.
  - D. According to Applicant's personal statement, the outpatient therapy program is a duration of four (4) to six (6) weeks.

4. 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. §§ 111.335(3)(a)(1) and 452.03(1) and is authorized to enter the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 452.03(1), the Board may grant a license only to a person who is competent to transact that business or occupation in a manner that safeguards the interests of the public, and only after satisfactory proof of the person's competence has been presented to the Board.

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, subject to sub. (4) (b) to (d), the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or 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. Applicant's conviction history calls into question his current competency to transact the business of real estate sales in a manner that protects the public.

6. The facts and circumstances of Applicant's conviction record substantially relate to the practice of a Real Estate Salesperson as it is common practice for Real Estate Salespersons to drive with clients in their vehicles while conducting their business.

7. At this time, Applicant has failed to show competent evidence of sufficient rehabilitation and fitness to practice as a Real Estate Salesperson without limitations.

8. Applicant, by his conduct, is subject to limitations against his credential, pursuant to Wis. Stat. §§ 111.335(3)(a)(1) and 452.03(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 two (2) years from the date of this Order:

- i. Applicant shall abide by all rules and conditions of the probation sentence in Walworth County 21 CM 497.
- ii. Applicant shall provide a copy of this Order to his current and any future probation agent(s). Applicant shall arrange for written reports from his probation agent to be provided to the Department Monitor on a quarterly basis for the duration of the probation sentence, as directed by the Department Monitor. These reports shall assess Applicant's compliance with probation.
- iii. Applicant shall successfully complete the probation sentence in Walworth County 21 CM 497 and arrange for the probation agent to provide proof of completion of the sentence to the Department Monitor.
- iv. Applicant shall successfully complete outpatient treatment and follow through with all treatment recommendations.
- v. 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. Pre-approval of any future real estate broker-supervisor shall be obtained through correspondence with the Department Monitor.

- vi. Applicant shall provide a copy of this Order to his current and any future pre-approved supervising Real Estate Broker. Applicant shall arrange for written reports from his pre-approved Real Estate Broker 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 real estate salesperson activities and whether he has practiced in compliance with all laws governing the practice of real estate sales.
- vii. Applicant is prohibited from driving and/or transporting real estate clients.
- viii. 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.
- ix. 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. After two (2) 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.

5. 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](mailto:DSPSMonitoring@wisconsin.gov)

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

6. 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.

7. 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

By:

*Liz Lawer* /TLT  
A Member of the Board

03/23/2023

Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

---

IN THE MATTER OF APPLICATION FOR A :  
REAL ESTATE SALESPERSON CREDENTIAL :  
ILIAS SWOGER, : STIPULATION  
APPLICANT. :

**ORDER 0008517**

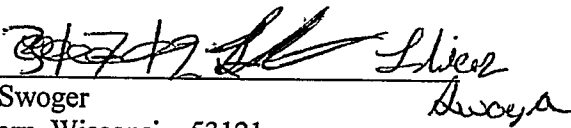
---

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


1. Applicant filed an application #823359 for a Real Estate Salesperson credential.
2. Information received by the Board reflects a basis for denial of the initial application.
3. Based upon the information of record, the Board agrees to issue, and Applicant agrees to accept, an Order granting 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.
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.

  
Ilias Swoger  
Elkhorn, Wisconsin, 53121  
Application No. 823359

3/7/23  
Date

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

03/23/2023  
Date