

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 CREDENTIAL	:	
	:	
MARCUS RIGGINS,	:	ORDER GRANTING
APPLICANT.	:	LIMITED LICENSE
	:	ORDER 0008894

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

Marcus Riggins
Rockford, IL 61103

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 June 29, 2023, Marcus Riggins (DOB 07-29-1988) (Applicant) filed an application for a Real Estate Salesperson credential (#IA-109855).
2. Information on file establishes that Applicant has the following convictions on his record:
 - A. On or about July 16, 2014 – Use Forged Cr/Debit Card /<\$30, a misdemeanor conviction in Illinois.
 - i. Applicant somehow obtained another person's credit card number, which he used to purchase liquor at a liquor store.
 - ii. Applicant was sentenced to two (2) years of probation, which was terminated on or about July 12, 2016.
 - B. On or about July 24, 2014 – Counterfeit Credit/Debit Card, a felony conviction in Illinois.

- i. When subject to traffic stop, Applicant was found to have items related to counterfeit credit/debit cards.
 - ii. Applicant was sentenced to twenty-four (24) months of probation and one hundred and three (103) days in jail.
- C. On or about October 25, 2018 – Manufacture/Deliver Heroin (<3g), a felony conviction in Wisconsin.
 - i. Applicant sold heroin to a confidential informant.
- D. On or about October 25, 2018 – Possess w/Intent-Heroin (<=3g), a felony conviction in Wisconsin.
 - i. When an arrest warrant was executed upon the home in which Applicant lived, law enforcement found items related to the sale of heroin.
 - ii. Applicant was sentenced to eight (8) years of probation and one (1) year of jail.
 - iii. On or about March 29, 2019, Applicant was released from confinement from the above-referenced 2018 felony convictions.
- 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. § 452.03(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 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. 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 2014 convictions substantially relate to the practice of a Real Estate Salesperson. The practice of real estate sales involves unsupervised access to private residences and property, involves handling of client funds and presents the opportunity for theft.

7. While Applicant has demonstrated over five (5) years with no further convictions, is in compliance with his probation and completed all other requirements for licensure, Applicant remains on probation and has not provided further 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. §§ 452.03(1) 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 competent to 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 three (3) years from the date of this Order:

- i. 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.
- ii. Applicant shall provide a copy of this Order to his current and any future pre-approved supervising Real Estate Broker. 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.
- iii. 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.

- iv. Applicant shall successfully complete the probation ordered in Rock County Case No. 2018CF0365. Applicant shall provide proof of successful completion to the Department Monitor within thirty (30) days of completion of the probation.
- v. Applicant shall arrange for written reports from his probation agent to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor.
- vi. 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.
- vii. Applicant shall commit no violations of law pertaining to the practice of a Wisconsin licensed profession.

4. After one (1) year of successful compliance with this Order, Applicant may petition the Board for removal of the supervision requirements set forth in paragraphs A.i.-iii., above. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

5. After Applicant has been discharged from probation in Rock County Case No. 2018CF0365, 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. 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.

7. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, 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
DSPSMonitoring@wisconsin.gov

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

8. 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

By: *Liz Lauer* /SEN
A Member of the Board

12/06/2023

Date

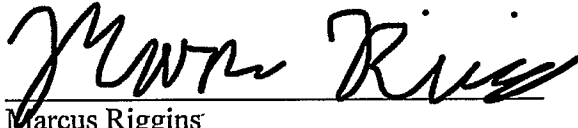
STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

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

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

1. Applicant filed an application for a Real Estate Salesperson credential #IA-109855.
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.



Marcus Riggins
Rockford, IL 61103
Application No. IA-109855

12/04/2023
Date

 /SEN

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

12/06/2023
Date