

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing 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 Regulation and Licensing 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 Regulation and Licensing 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 Regulation and Licensing, 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 Regulation and Licensing 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/wscqa>.
- 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 DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

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

Margie Hendricks Johnson  
2673 North 46<sup>th</sup> Street  
Milwaukee, WI 53210

Department of Regulation and Licensing  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Department Secretary. The Department Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department Secretary in this matter adopts the attached Stipulation and makes the following:

#### FINDINGS OF FACT

- Margie Hendricks Johnson was born on January 23, 1970. Ms. Hendricks Johnson's most recent address on file with the Department of Regulation and Licensing ("Department") is: 2673 North 46<sup>th</sup> Street, Milwaukee, Wisconsin 53210.
- Ms. Hendricks Johnson applied for a real estate broker's license on or about April 5, 2006. The Department denied Ms. Hendricks Johnson application on May 31, 2006.
- Ms. Hendricks Johnson made a timely request for a hearing on the denial of her application for a license.
- The application for a real estate broker's license requires that the applicant answer question "A" under "STATEMENT OF ARREST OR CONVICTION" that states:  
A. Have you ever been convicted of a misdemeanor or a felony or driving while intoxicated (DWI), in this or any other state, OR are criminal charges or DWI charges currently pending against you? IF YES, complete and attach Form #2252.
- Ms. Hendricks Johnson's response to question "A" was to check the box marked "Yes" and she included with her application Form #2252 and information which indicated the following:

A 1999 misdemeanor conviction of theft in a business setting <=1,000.00 in Milwaukee County, Milwaukee, Wisconsin. Ms. Hendricks Johnson was ordered to serve forty-five days in a correctional facility, perform forty hours of community service, placed on probation for a two-year period from the date of conviction, and pay restitution and costs in excess of \$8,000.00.

#### MITIGATING CIRCUMSTANCES

On May 31, 2006, the Department received a letter from Ms. Hendricks Johnson's parole officer from the House of Correction in Franklin, WI. The parole officer had worked with Ms. Hendricks Johnson for the last six years and indicated that Ms. Hendricks Johnson had successfully worked in the First Time Felony Drug Offender Alternative to Prison Program. To date, Ms. Hendricks Johnson has completed her probationary term of two years and has not had any criminal convictions since 1999.

On June 3, 2006, the Department received a letter from Ms. Hendricks Johnson's current employer. The employer stated that Ms. Hendricks Johnson has worked for him for the last five years in rental properties located in the Greater Milwaukee area. The employer stated that Ms. Hendricks Johnson's responsibilities have included unit rental, rental collections, vendor payments and payroll. In these capacities, Ms. Hendricks Johnson was described as someone who has gained the trust of various business associates. The employer also described Ms. Hendricks Johnson as a person who is hardworking, aggressive, detail oriented, loyal, and trustworthy.

#### CONCLUSIONS OF LAW

- The Department of Regulation and Licensing has jurisdiction over this matter, pursuant to Wis. Stat. § 227.42.
- The Department of Regulation and Licensing is authorized to enter into the Stipulation, pursuant to Wis. Stat. § 227.44(5).
- The conviction record detailed above constitutes convictions that substantially relate to the practice of real estate within the meaning of Wis. Stat. § 111.335(1)(c) and the Department's initial denial of Ms. Margie Hendricks Johnson's application was not an abuse of discretion.
- The Department may consider other factors in the decision whether to issue a license, and it has the authority under Wis. Stats. §§ 452.05(1)(a) and 452.14(4a)(b) to issue a limited license to Ms. Margie Hendricks Johnson.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that:

- Margie Hendricks Johnson is granted a limited real estate salesperson's license for a period of not less than three years subject to the following terms and conditions:
  - The effective date of the license shall be the date upon which the Department Secretary dates and signs this Order.
  - Ms. Hendricks Johnson shall practice as a real estate salesperson only as an employee of an employer (Supervising Broker Employer) who is a Wisconsin licensed real estate broker or real estate entity who agrees to comply with issuing quarterly reports.
  - Ms. Hendricks Johnson shall file with the Department quarterly reports within five (5) days of the quarterly reports becoming due to the Department Monitor. The Department Monitor is the individual who coordinates compliance with the terms of this Order.
- Each report shall include:
  - The name, address and telephone number of applicant and name, address and telephone number of the applicant's broker-employer.
  - A statement from Ms. Hendricks Johnson as to whether or not she has been convicted of a crime (including Driving While Intoxicated (DWI) or Operating While Intoxicated - OWI) during the term of the Order OR if criminal charges are pending.
  - A statement from Ms. Hendricks Johnson confirming her compliance with all the terms of her limited license and with the statutes and rules governing the practice of a real estate salesperson.
  - A statement from the broker-employer evaluating Ms. Hendricks Johnson's performance as a real estate salesperson and whether or not she has followed all guidelines and requirements of the broker-employer.
- Ms. Hendricks Johnson shall not personally receive, hold or disburse "client funds", as that term is defined in Wis. Stat. § 452.13(1)(a).  
**452.13 Trust accounts. (1) DEFINITIONS.** In this section:  
(a) "Client funds" means all down payments, earnest money deposits or other money related to a conveyance of real estate that is received by a broker, salesperson or time-share salesperson on behalf of the broker's, salesperson's or time-share salesperson's principal or any other person. "Client funds" does not include promissory notes.
- Ms. Hendricks Johnson shall not perform real estate activities under a different broker-employer without permission, in advance, from the Department of Regulation and Licensing, and unless the new broker-employer agrees, in writing, that the terms of this limitation will be complied with and that the new broker-employer will cooperate with the applicant in the preparation and submission to the Department of the required reports.
- Ms. Hendricks Johnson shall provide a complete copy of the Department's Final Decision and Order to her broker-employer and arrange for his broker-employer to immediately notify the Department Monitor if the applicant violates the terms of the Order.
- The limitations contained in this Order, in whole or in part, may be removed only upon a showing of successful compliance with all of the terms of this Order and in no event earlier than three years from the date of the signing of this Order by the Department Secretary.
- Upon the successful compliance with all of the terms of this Order and removal of all limitations specified in this Order pursuant to paragraph six (6) above, Ms. Hendricks Johnson shall not have to re-test for the real estate broker's examination.
- Failure by Ms. Hendricks Johnson to timely comply with the terms of this limitation shall result in the revocation of her limited real estate salesperson's license without further notice or hearing or other proceedings.
- Any further criminal conviction (including DWI or OWI) shall result in the revocation of Ms. Hendricks Johnson limited real estate salesperson's license without further notice or hearing or other proceedings.
- Ms. Hendricks Johnson shall immediately notify the Department in writing of any changes in employment and personal information as it relates to the limitations of her real estate salesperson's license.
- Any reports or documentation that needs to be received by the Department to show compliance with the terms of this Order shall be addressed to:

Department of Regulation and Licensing  
Department Monitor  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935  
(608) 261-7904 (phone)

(608) 266-2264 (fax)

This Order shall become effective upon the date of its signing.

Dated this 13th day of November, 2006

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson, Secretary