

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/wscca>.
- 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

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	89 REB 338
HOWARD D. ANTHONY,	:	
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Howard D. Anthony
1255 Liberty Street
Green Bay, WI 54304

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 final decision of this matter, subject to the approval of the Real Estate 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

1. Respondent Howard D. Anthony ("Anthony"), a.k.a. Howard D. Anthony Realty, is and was at all times relevant to the matters set forth herein licensed as a real estate broker in the State of Wisconsin pursuant to license # 19958, granted on April 26, 1978.
2. Anthony is affiliated with Province Realty, Inc., a real estate corporation licensed to practice in the State of Wisconsin pursuant to license # 833779, granted on January 4, 1989.
3. On or about September 12, 1989, in the United States District Court, Eastern District of Wisconsin, Respondent was convicted upon his plea of guilty of the following offenses:
 - a. conducting an illegal gambling enterprise, in violation of 18 U.S.C. Secs. 1955 and 2.

b. failure to pay special wagering occupational tax to the Internal Revenue Service, in violation of 26 U.S.C. Secs. 4411 and 7262.

4. On the basis of the violation of 18 U.S.C. Secs. 1955 and 2, Anthony received a suspended sentence and was placed on probation for a period of three years under the following special conditions:

a. Payment of \$10,000 fine.

b. 200 hours of community service.

c. Restriction during his first year of probation from placing any wagers or bets.

d. Revocation of his suspended sentence and imposition of a prison term if found in illegal possession of a controlled substance.

5. On the basis of the violation of 26 U.S.C. Secs. 4411 and 7262, Anthony was fined \$2,000.

6. Anthony was also assessed court costs in the amount of \$100.

7. The circumstances of the conviction described above, in that they evidence a disregard for laws requiring him to report funds to the government and undermine the public's confidence in the integrity of the profession, substantially relate to the practice of real estate.

8. In mitigation, the transactions underlying the conviction described above occurred in 1987 at a time when Anthony was not active in the real estate business and not employed by Province Realty, Inc.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to Sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to Sec. 227.44(5), Wis. Stats.

3. Respondent Howard D. Anthony has violated Secs. RL 24.17(1) & (2), Wis. Adm. Code, by his conviction and violation of laws, 18 U.S.C. Secs. 1955 and 2 and 26 U.S.C. Secs. 4411 and 7262, the circumstances of which substantially relate to the practices of a real estate.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

RECEIVED

MAY 5 1990

IT IS FURTHER ORDERED, that the real estate broker's license (# 19958) of Respondent Howard D. Anthony be limited for the period from the date of this Final Decision and Order to September 12, 1992 (hereinafter the period from the date of this Final Decision and Order to September 12, 1992 will be referred to as the "designated period") in the following manner:

i. Respondent Howard D. Anthony shall comply with the terms and conditions of his court-ordered probation with the Probation Department of the United States District Court, Eastern District of Wisconsin ("Probation Department").

ii. Respondent Howard D. Anthony shall furnish the Probation Department with a copy of this Final Decision and Order within ten (10) days of its approval by the Board, and request that the Probation Department include as a term and condition of probation that the Department of Regulation and Licensing ("Department") be notified in the event of a violation of the terms and conditions of probation.

iii. Respondent Howard D. Anthony shall engage in the practice of real estate only in affiliation with and under the supervision of his current broker-employer, and change or transfer affiliation or employment only in accordance with paragraph "vii" below.

iv. Respondent Howard D. Anthony shall not maintain a trust account in his own name.

v. Respondent Howard D. Anthony shall promptly submit real estate trust funds to his broker-employer or that person's designee, whenever he shall receive any such funds.

vi. Respondent Howard D. Anthony shall authorize the Department to provide a copy of this Final Decision and Order to his current broker-employer.

vii. Respondent Howard D. Anthony shall change or transfer affiliation or employment from his current broker employer only after he files with the Department a written confirmation from any successor broker-employer acknowledging that the employer has been informed of Respondent's license limitations and has been furnished a copy of this Final Decision and Order.

viii. Respondent Howard D. Anthony shall request of his current or any successor broker employer that such employer advise the Department if the employer has reason to believe that Respondent has violated a term and condition of this Final Decision and Order.

IT IS FURTHER ORDERED, that if Respondent Howard D. Anthony has complied with the conditions and limitations of this Order during the designated period, the limitations on his license shall be terminated without further order of the Board.

IT IS FURTHER ORDERED, that the Real Estate Board shall close
investigative file # 89 REB 338.

Dated this 24th day of May, 1990

WISCONSIN REAL ESTATE BOARD

by: Linda L. Schlawensky

MAY 5 1990

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	89 REB 338
HOWARD D. ANTHONY,	:	
RESPONDENT.	:	

It is hereby stipulated between Howard D. Anthony, personally on his own behalf; and the Department of Regulation and Licensing, Division of Enforcement by its Attorney Richard Castelnuovo, as follows:

1. This Stipulation is entered into as a result of a pending investigation against Howard D. Anthony ("Respondent") by the Division of Enforcement (89 REB 338). Respondent consents to the resolution of this investigation by stipulation and without issuance of a formal complaint.

2. Respondent is aware and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Real Estate Board ("Board").

4. Respondent is aware of his right to seek legal representation and has been provided the opportunity to obtain legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, Respondent admits the facts set forth in the Findings of Fact, agrees that the Board may reach the conclusions set forth in the Conclusions of Law, and further agrees may enter the Order limiting Respondent's license and permitting him to practice under specified terms and conditions.

6. With respect to the Order, Respondent specifically agrees to disciplinary action in the form of limitations on his real estate broker's license (# 19958) for the period from the date of the Final Decision and Order to September 12, 1992 (hereinafter the period from the date of the Final Decision and Order to September 12, 1992 will be referred to as the "designated period") as follows:

- i. To comply with the terms and conditions of his court-ordered probation with the Probation Department of the United States

District Court, Eastern District of Wisconsin ("Probation Department").

ii. To furnish the Probation Department with a copy of the Final Decision and Order within ten (10) days of its approval by the Board, and request that the Probation Department include as a term and condition of probation that the Department of Regulation and Licensing ("Department") be notified in the event of a violation of the terms and conditions of probation.

iii. To engage in the practice of real estate only in affiliation with and under the supervision of his current broker-employer, and change or transfer affiliation or employment only in accordance with paragraph "vii" below.

iv. To not maintain a trust account in his own name.

v. To promptly submit real estate trust funds to his broker-employer or that person's designee, whenever he shall receive any such funds.

vi. To authorize the Department to provide a copy of the Final Decision and Order to Respondent's current broker-employer.

vii. To change or transfer affiliation or employment from his current broker employer only after he files with the Department a written confirmation from any successor broker-employer acknowledging that the employer has been informed of Respondent's license limitations and has been furnished a copy of the Final Decision and Order.

viii. To request of his current or any successor broker employer that such employer advise the Department if the employer has reason to believe that Respondent has violated a term and condition of the Final Decision and Order.

7. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement 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.

8. If the Board accepts the terms of this Stipulation, 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.

9. Respondent agrees that complainant's attorney, Richard M. Castelnovo, may appear at any deliberative meeting of the Board with respect to this stipulation but that appearance is limited to statements solely in support of the Stipulation and for no other purpose.

RECEIVED

MAY 2 1990

Division of Regulation and Licensing

10. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Howard D. Anthony
Howard D. Anthony

May 8, 1990
Date

Richard M. Castelnovo
Richard M. Castelnovo, Attorney
Division of Enforcement

May 10, 1990
Date