

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

**FILE COPY**

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

ENSLEY BROWN,  
RESPONDENT.

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:  
:  
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FINAL DECISION AND ORDER  
94 REB 300

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

Ensley Brown  
5401 West Green Tree Road  
Milwaukee, WI 53223

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 disposition of this matter, subject to the approval of the 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. Ensley Brown ("Brown"), 5401 West Green Tree Road, Milwaukee, WI 53223, is a real estate broker having State of Wisconsin license #32646, which license was originally granted on July 13, 1984.

2. On or about January 3, 1994, in the Circuit Court for Dane County, State of Wisconsin, in Case Number 93 CF 2004, Brown was found guilty of knowingly and wilfully causing to be made a false statement of a material fact in a claim for medical assistance payment in violation of section 49.49(1)(a)1, Wis. Stats., a felony under section 49.49(1)(b)1, Wis. Stats.

A copy of the Information and the Judgment of Conviction in Case number 93 CF 2004 is attached hereto as Exhibit "A" and incorporated herein as if set forth at length.

3. The circumstances of the crime Brown was convicted of substantially relate to the practice of real estate by a real estate broker.

4. Brown has offered to voluntarily surrender his real estate broker license as a resolution of this disciplinary proceeding.

#### 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 Ensley Brown has violated:

- a. Sections 452.14(3)(k) and 452.14(3)(i), Wis. Stats., and section RL 24.17(2), Wis. Adm. Code, by being convicted of a crime, the circumstances of which substantially relate to the practice of real estate, which criminal conduct constitutes improper, fraudulent and dishonest dealing.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation for the voluntary surrender of the real estate license of Ensley Brown is accepted.

IT IS FURTHER ORDERED, that all rights and privileges granted to Ensley Brown under chapter 452 of the Wisconsin Statutes and real estate broker license #32646, are absolutely terminated, said termination effective at 11:59 p.m. on the date of this Order.

IT IS FURTHER ORDERED, that no credential or license under Chapter 452 of the Wisconsin Statutes shall be issued to Ensley Brown within the five (5) years subsequent to the date of this Order.

IT IS FURTHER ORDERED, that investigative file 94 REB 300, be and hereby is closed.

Dated this 23RD day of FEBRUARY, 1995.

WISCONSIN REAL ESTATE BOARD

By: 

ATY2-6805  
Attachments

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 12

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 93-CF-2004 dd

ENSLEY BROWN,

Defendant.

INFORMATION

I, Juan B. Colas, Assistant Attorney General, hereby inform the court that:

On or about December 7, 1992, the defendant, Ensley Brown, knowingly and wilfully caused to be made a false statement of a material fact in a claim for medical assistance payment. This is a violation of section 49.49(1)(a)1, Wis. Stats., a felony under section 49.49(1)(b)1, Wis. Stats.

Dated this 20 day of November, 1993.

James E. Doyle  
Attorney General

*Juan B. Colas*  
By Juan B. Colas  
Assistant Attorney General  
State Bar #01005968

Wisconsin Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707-7857  
(608) 264-6360

State of Wisconsin  
County of Dane  
This document is a full, true and  
correct copy of the original on file  
and of record in my office and has  
been compared by me.

Attest 11-9 1994  
JUDITH A. COLEMAN  
Clerk of Courts  
By Mary Ritschke  
Deputy Clerk

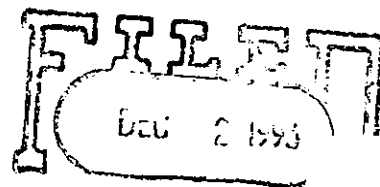
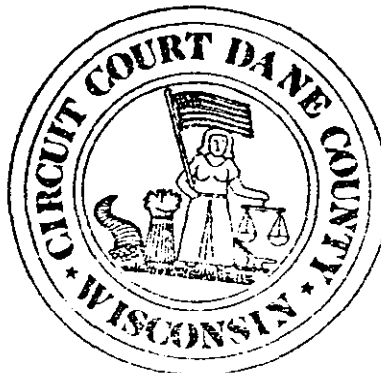


EXHIBIT A

State of Wisconsin, Plaintiff

-VS-

TYPE OF CONVICTION (Select One)

- \_\_\_\_ Sentence to Wisconsin State Prisons  
 XX Sentence Withheld, Probation Ordered  
 \_\_\_\_ Sentence Imposed & Stayed, Probation Ordered

ENSLEY BROWN

, Defendant

5-5-44

Defendant's Date of Birth

COURT CASE NUMBER

93 CF 2004

The defendant entered plea(s) of: ☒ Guilty ☐ Not Guilty ☐ No ContestThe ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

CRIME(S)

WIS STATUTE(S)  
VIOLATEDFELONY OR  
MISDEMEANOR  
(F OR M)CLASS  
(A-E)DATE(S)  
CRIME  
COMMITTED

MEDICAL ASSISTANCE OFFENSES  
 (MEDICAL ASSISTANCE FRAUD-  
 CON FACT)

State of Wisconsin  
 County of Dane

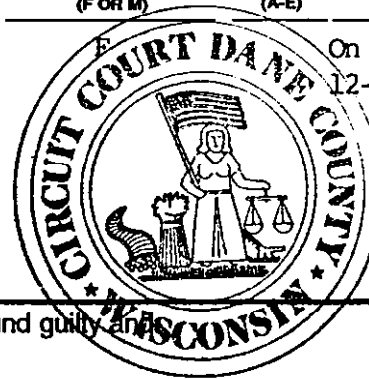
49.49(1)(a)1

and 49.49(1)(b)1

This document is a full, true and  
 correct copy of the original on file  
 and of record in my office and has  
 been compared by me.

Attest 16-4 1994  
 JUDITH A. COLEMAN  
 Clerk of Courts

By

Theresa R. Pitsche

On or about  
 12-7-92

IT IS ADJUDGED that the defendant is convicted on 1-3-94 as found guilty and

- ☐ on \_\_\_\_\_ is sentenced to prison for \_\_\_\_\_  
☐ on \_\_\_\_\_ is sentenced to intensive sanctions for \_\_\_\_\_  
☐ on \_\_\_\_\_ is sentenced to county jail/HOC for \_\_\_\_\_  
☒ on 1-3-94 is placed on probation for FIVE YEARS

## CONDITIONS OF SENTENCE/PROBATION

Obligations: (Total amounts only)

Fine \$ 12,100.00\*

(Includes jail assessments; drug assessments;  
 penalty assessments)

Court costs \$ 20.00\*

(includes service fees; witness fees; restitution  
 surcharge; domestic abuse fees; subpoena fees;  
 automation fees)

Attorney fees \$

Restitution -STATE HAS 45 \$ 71,748.33\*\*

DAYS TO DRAFT ORDER\*\*

Other \$

Mandatory victim/witness surcharge(s)

felony \_\_\_\_\_ counts \$ 50.00\*

misdemeanor \_\_\_\_\_ counts \$

Jail: To be incarcerated in the county jail/HOC for

Confinement Order For Intensive Sanctions sentence  
 only - length of term: \_\_\_\_\_

## Miscellaneous

ONE HUNDRED (100) HOURS COMMUNITY SERVICE;  
 \*\$10,000 FI + 2,000 PA + 20 FE + 50 VW + 100 JA-  
 \$12,170.00. DEFENDANT WILL BE UNABLE TO  
 PARTICIPATE IN FEDERALLY FUNDED MEDICAL  
 ASSISTANCE PROGRAMS. PROBATION MAY BE  
 TRANSFERRED TO MILWAUKEE COUNTY. PROBATION MAY  
 TERMINATED EARLY ONCE RESTITUTION IS PAID.

IT IS ADJUDGED that \_\_\_\_\_ days sentence credit are due pursuant to s. 973.155 Wis. Stats. and shall be credited  
 if on probation and it is revoked.

IT IS ORDERED that the Sheriff shall deliver the defendant into the custody of the Department located in the City of

BY THE COURT

NAME OF JUDGE

MARK A. FRANKEL

DISTRICT ATTORNEY

JUAN COLAS, ASSISTANT ATTORNEY GENERAL

DEFENSE ATTORNEY

GREGORY MEEKER

X Clerk of Court/Judge/Clerk/Deputy Clerk

1-4-94

Date Signed

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

ENSLEY BROWN,  
RESPONDENT.

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STIPULATION  
94 REB 300

The undersigned parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving investigative case file 94 REB 300. The Respondent, ENSLEY BROWN, ("Respondent") consents to the resolution of this investigation by this Stipulation and the attached Final Decision and Order.

Respondent offers to voluntarily surrender his real estate broker license according to the terms of this Stipulation and attached Final Decision and Order.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 their attendance by subpoena; 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 has had the opportunity to consult with legal counsel regarding this matter and the legal implications of this Stipulation.

4. 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 Board.

5. With respect to the attached Final Decision and Order, Respondent neither admits nor denies the facts as set forth in the Findings of Fact, however, he agrees that the Board may make the Findings of Fact and may reach the conclusions set forth in the Conclusions of Law and may enter the Order allowing the surrender of Respondent's license.

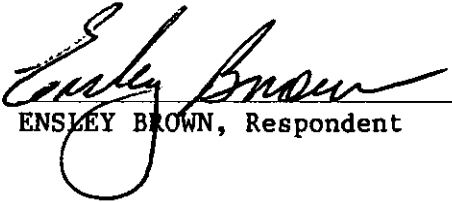
6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement. In the event that the Stipulation is not accepted by the 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.

WAL

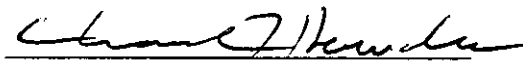
7. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

8. Respondent agrees that Complainant's attorney, Charles J. Howden, may appear at any meeting with the Board with respect to the Stipulation but that his appearance is limited to statements in support of the Stipulation and to answer any questions that Board may have regarding the Stipulation. Respondent waives his rights to have notice of that meeting and to be present at the meeting with the Board.

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

  
ENSLEY BROWN, Respondent

1/23/95  
Date

  
Charles J. Howden, Attorney  
Division of Enforcement

1/30/95  
Date

CJH:djm  
ATY2-6804

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

THE STATE OF WISCONSIN REAL ESTATE BOARD.

1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

FEBRUARY 24, 1995.

### 1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### 2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)