

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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- 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.

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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

JAMES J. BRANDIES  
RESPONDENT

: FINAL DECISION AND ORDER

: LS9809021RSG  
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**Division of Enforcement  
98 RSG 011**

The parties to this action for the purposes of section 227.53 of the Wisconsin statute are:

James J. Brandies  
17035 Two Mile Rd.  
Franksville, WI 53126

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. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department of Regulation and Licensing in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. James J. Brandies (DOB 10-04-75) 17035 Two Mile Rd., Franksville, WI 53126, was issued a private security permit by the Wisconsin Department of Regulation (permit #1570). This permit was first granted on July 1, 1997.
2. Subsequent to the issue of this permit, the Department received a report from the FBI, which revealed that Respondent was found guilty of Misdemeanor "A" crimes.
3. Respondent was convicted on December 12, 1997 of the following:
  - a. Sex with child age 16 or older on or about spring, 1995;
  - b. exposing genitals to a child on February 17, 1997; and
  - c. causing child to expose genitals on February 17, 1997.

A true and correct copy of the Criminal Complaint, Information, Amended Information, Judgment of Conviction and Judgment of Dismissal are attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Order.

4. In resolution of this matter, Mr. Brandies consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. By the conduct referred to in ¶¶ 2-3, above, James J. Brandies, violated sec. 440.26(6), Stats.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that James J. Brandies, is **REPRIMANDED**.

**IT IS FURTHER ORDERED** that within thirty (30) days from the date of this order, Mr. Brandies shall pay the costs of this proceeding in the amount of ONE HUNDRED FIFTY dollars (\$150.00). Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor  
Division of Enforcement  
PO Box 8935  
Madison, WI 53708-8935

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

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Mark A. Cunningham  
A member of the Department

9/2/98  
Date

<p>State of Wisconsin, versus</p> <p><b>JAMES BRANDIES, DOB 10-4-75</b> 17035 - 2 MILE ROAD FRANKSVILLE WI 53126 M/w, Brn Hr, Blk Eyes, 200#, 5'10"</p> <p>plaintiff,          defendant(s).</p>	<p align="center"><b>CRIMINAL COMPLAINT</b></p> <p align="center">Circuit Court File No: 97-CF- 642</p>
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DA Case No: 97-F-582  
 Status: Criminal Warrant in the amount of \$20,000 CASH BOND  
 Attorney: Elizabeth M. Blackwood;  
 Agency: Racine County Sheriff #903236: Officer(s) Inv. Reilly;

**FILED**  
 JUL 15 1997  
 CLERK OF CIRCUIT COURT  
 RACINE COUNTY

**COUNT 1: 2ND DEGREE SEXUAL ASSAULT OF CHILD** 948.02(2) BC  
 On or about During Spring 1995, unlawfully and feloniously have sexual contact or sexual intercourse with a person who has not attained the age of 16 years; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 20 years or both, contrary to Wis. Stat. Sec. 948.02(2) and 939.50(3)(bc);  
 Victim(s): T.S.;

**COUNT 2: CHILD SXPLOITATION-VIDEOS,RECORDS,ETC.** 948.05(1)(b) FC  
 On or about February 17, 1997, unlawfully and feloniously photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 10 years or both, contrary to Wis. Stat. Sec. 948.05(1)(b) and 939.50(3)(c);  
 Victim(s): TRACY SCHUSTER

**COUNT 3: CHILD SXPLOITATION-VIDEOS,RECORDS,ETC.** 948.05(1)(b) FC  
 On or about March 3, 1997, unlawfully and feloniously photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 10 years or both, contrary to Wis. Stat. Sec. 948.05(1)(b) and 939.50(3)(c);  
 Victim(s): TRACY SCHUSTER

**COUNT 4: CHILD SXPLOITATION-VIDEOS,RECORDS,ETC.** 948.05(1)(b) FC  
 On or about March 10, 1997, unlawfully and feloniously photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 10 years or both, contrary to Wis. Stat. Sec. 948.05(1)(b) and 939.50(3)(c);  
 Victim(s): TRACY SCHUSTER

The complainant, being first duly sworn on oath, on information and belief, alleges and states that in the County of Racine, State of Wisconsin, the defendant(s) did commit the above described offense(s) and prays that said defendant(s) be dealt with according to the laws of the State of Wisconsin.

The complainant states that he or she is an adult citizen and has reviewed the official law enforcement reports prepared under the above mentioned complaint numbers by the above stated officer(s), whose reports your complainant relies upon as truthful and accurate inasmuch as they were prepared during

CIRCUIT COURT RACINE COUNTY WISCONSIN  
 97-17-98  
 TARAESA LEWIS, CLERK OF CIRCUIT COURT  
 By: [Signature] mgj



the course of an official law enforcement investigation. The complainant relies upon the statements of the mentioned witnesses inasmuch as they are citizens and their statements are based on personal knowledge or eyewitness observations; the complainant relies upon the statements of the defendant(s), if any, inasmuch as they are contrary to the defendant's penal interests and are, therefore, to be believed.

The complainant thereby informs the court that the basis for the above charge(s) is as follows:

Complainant states that Tracy Schuster, dob-11-14-79, reported that in February 1995, she began dating the defendant James Brandies, dob-10-4-75; That she stated that the first time they had sexual intercourse was when she was approximately 15 1/2 at his residence at 17035 - 2 Mile Road, in the Town of Raymond, Racine County, Wisconsin; That she further reported that during 1997, the defendant took several video tapes of herself and him engaged in various acts of sexual intercourse; That she stated that these video tapes were done at his residence at one 17035 - 2 Mile Road, in the Town of Raymond, Racine County, Wisconsin; That further reports reflect that Inv. Reilly was advised by Tracy Schuster that she broke up with Brandies in May 1997 and that he has been threatening her since claiming that he was going to publish nude photographs of her on the internet telling her that if he couldn't have her, nobody could, and threatening to burn her house down;

That said reports further reflect that on May 8, 1997, Inv. Reilly executed a search warrant on the defendant's residence during which time the defendant's mother, Janice Brandies, was present; That Janice Brandies identified the bedroom of her son, James Brandies, and within that room, Inv. Labrasca recovered a number of video tapes which were subsequently reviewed with Tracy Schuster; That the first video tape was dated February 17, 1997, and consisted of Tracy Schuster performing oral sex upon James Brandies; That the video tape also showed a sequence dated March 3, 1997, wherein, Tracy is sitting in the bathroom of the residence and there is a close up of her genitalia as she is sitting on the counter as well as a video tape of James Brandies performing both oral sex on Tracy and having sexual intercourse with her; That there is a third sequence dated March 10, 1997, which depicts Tracy Schuster in the bath tub naked and it shows James Brandies inserting his finger in Tracy's anus.

That Tracy Schuster reviewed all of the video tapes with Inv. Labrasca and identified that all events occurred at the James Brandies' residence between herself and James Brandies and she indicates that the dates appearing on the video tapes appear to be correct.

Subscribed and sworn to before me and approved for filing on this 9 day of July, 1997.

James Brandies  
COMPLAINANT

Robert S. Flancher  
ASSISTANT DISTRICT ATTORNEY

Robert S. Flancher, District Attorney, State Bar No. 01015530  
730 Wisconsin Ave., Racine, WI 53403 (414) 636-3172

WISCONSIN  
RACINE COUNTY  
Dated: 07-17-98  
TARRESA L. WHEARY, CLERK OF CIRCUIT COURT  
By Bonnie L. Nagy, Deputy

State of Wisconsin, versus	<b>FILED</b>	<b>INFORMATION</b>
<b>JAMES BRANDIES, DOB 10-4-75</b> 17035 - 2 MILE ROAD FRANKSVILLE WI 53126 M/w, Brn Hr, Blk Eyes, 200#, 5'10"	SEP 02 1997	Circuit Court File No: 97-CF-
CLERK OF CIRCUIT COURT RACINE COUNTY defendant(s).		

I, Robert S. Flancher, District Attorney in and for Racine County, State of Wisconsin, do hereby inform the court that the defendant did commit within the jurisdiction of Racine County, Wisconsin, the following crime(s):

**COUNT 1: 2ND DEGREE SEXUAL ASSAULT OF CHILD** **948.02(2) BC**  
 On or about During Spring 1995, unlawfully and feloniously have sexual contact or sexual intercourse with a person who has not attained the age of 16 years; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 20 years or both, contrary to Wis. Stat. Sec. 948.02(2) and 939.50(3)(bc);  
 Victim(s): T.S.;

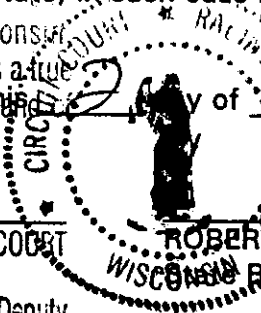
**COUNT 2: CHILD SEXPLOITATION-VIDEOS,RECORDS,ETC.** **948.05(1)(b) FC**  
 On or about February 17, 1997, unlawfully and feloniously photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 10 years or both, contrary to Wis. Stat. Sec. 948.05(1)(b) and 939.50(3)(c);  
 Victim(s): TRACY SCHUSTER;

**COUNT 3: CHILD SEXPLOITATION-VIDEOS,RECORDS,ETC.** **948.05(1)(b) FC**  
 On or about March 3, 1997, unlawfully and feloniously photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 10 years or both, contrary to Wis. Stat. Sec. 948.05(1)(b) and 939.50(3)(c);  
 Victim(s): TRACY SCHUSTER;

**COUNT 4: CHILD SEXPLOITATION-VIDEOS,RECORDS,ETC.** **948.05(1)(b) FC**  
 On or about March 10, 1997, unlawfully and feloniously photograph, film, videotape, record the sounds of or display in any way a child engaged in sexually explicit conduct; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 10 years or both, contrary to Wis. Stat. Sec. 948.05(1)(b) and 939.50(3)(c);  
 Victim(s): TRACY SCHUSTER;

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State of Wisconsin.

I do hereby certify that this document is a true and correct copy of the original on file and record in my office.  
 Dated at Racine, Wisconsin, this 9 day of Sept, 1997


  
 \_\_\_\_\_  
 ROBERT S. FLANCHER, DISTRICT ATTORNEY  
 Wisconsin Bar No. 01015530

Dated: 07-17-98  
 TARAESA L. WHEARY, CLERK OF CIRCUIT COURT

Annice L. Nagy, Deputy

<p>State of Wisconsin, versus</p> <p><b>JAMES BRANDIES, DOB 10-4-75</b> 17035 - 2 MILE ROAD FRANKSVILLE WI 53126 M/w, Brn Hr, Blk Eyes, 200#, 5'10"</p> <p>plaintiff,          defendant(s).</p>	<p align="center"><b>AMENDED INFORMATION</b></p> <p align="center">Circuit Court File No: 97-CF-642</p>
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I, Robert S. Flancher, District Attorney in and for Racine County, State of Wisconsin, do hereby inform the court that the defendant did commit within the jurisdiction of Racine County, Wisconsin, the following crime(s):

**COUNT 1: SEX WITH CHILD AGE 16 OR OLDER** **948.09 MA**  
 On or about February 17, 1997, unlawfully have sexual intercourse with a child who was not the defendant's spouse and who had attained the age of 16 years; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 9 months or both, contrary to Wis. Stat. Sec. 948.09 and 939.51(3)(a);  
 Victim(s): T.S.;

**COUNT 2: EXPOSING GENITALS TO CHILD** **948.10 MA**  
 On or about February 17, 1997, unlawfully, for purposes of sexual arousal or sexual gratification, expose genitals or pubic area to a child; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 9 months or both, contrary to Wis. Stat. Sec. 948.10 and 939.51(3)(a);  
 Victim(s): T.S.;

**COUNT 3: CAUSING CHILD TO EXPOSE GENITALS** **948.10 MA**  
 On or about March 3, 1997, unlawfully, for purposes of sexual arousal or sexual gratification, cause a child to expose genitals or pubic area; this offense subjects the defendant to a fine not to exceed \$10,000 and imprisonment not to exceed 9 months or both, contrary to Wis. Stat. Sec. 948.10 and 939.51(3)(a);  
 Victim(s): T.S.;

contrary to the form of the statute, in such case made and provided, and against the peace and dignity of the State of Wisconsin.

Dated at Racine, Wisconsin, this 27 day of Oct, 1997

*Robert S. Flancher*

**ROBERT S. FLANCHER, DISTRICT ATTORNEY**  
 State Bar No. 01015530  
 730 Wisconsin Avenue  
 Racine, Wisconsin 53403  
 (414) 636-3172

I, \_\_\_\_\_, County, State of Wisconsin, do hereby certify that this document is a true and correct copy of the original on file and of record in my office.

Dated: 07-17-98  
 TARAESA L. WHEARY, CLERK OF CIRCUIT COURT

*Bonnie L. Nagy*, Deputy

**FILED**

OCT 27 1997

CLERK OF CIRCUIT COURT  
 RACINE COUNTY

State vs James Brandies

JUDGMENT OF CONVICTION

Amended

Sentence Withheld, Probation Ordered

Date of Birth: 10-04-1975

Case No.: 97CF000642

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To
1	Sex with Child Age 16 or Older	948.09	Guilty	Misd. A	On or about spring, 95	
2	Exposing Genitals to Child	948.10	Guilty	Misd. A	02-17-1997	
3	Causing Child to Expose Genitals	948.10	Guilty	Misd. A	02-17-1997	

IT IS ADJUDGED that the defendant is convicted on 12-12-1997 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
1	12-12-1997	Withheld, Probation Ordered	2 YR	Must obey all rules and regulations while on probation. Photos and video taped materials to be destroyed.	DOC
2	12-12-1997	Withheld, Probation Ordered	2 YR	Concurrent with Count 1.	DOC
3	12-12-1997	Withheld, Probation Ordered	2 YR	Concurrent with Counts 1 & 2.	DOC

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
30.00	60.00			17.40	150.00		

Conditions

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
1	Jail Time	90 DA	County	01-10-1998	8:30 am	CFTS 6 days. Serve 15 days, balance stayed. Do not report to the jail late or under the influence of alcohol or controlled substances. AMENDED 1/12/98-HUBER FOR EMPLOYMENT.
2	Jail Time	90 DA	County			Concurrent with Count 1. AMENDED 1/12/98-CFTS 6 DAYS. SERVE 15 DAYS, BALANCE STAYED. HUBER FOR EMPLOYMENT.
3	Jail Time	90 DA	County			Concurrent with Counts 1 & 2. AMENDED 1/12/98-CFTS 6 DAYS. SERVE 15 DAYS, BALANCE STAYED. HUBER FOR EMPLOYMENT.

I hereby certify that this document is a true and correct copy of the original on file and is true in my office.  
 07-17-98  
 S.A.L. WHEARY, CLERK OF CIRCUIT COURT  
*Because of highly priority*



State vs James Brandies

JUDGMENT OF CONVICTION

Amended

Sentence Withheld, Probation Ordered

Date of Birth: 10-04-1975

Case No.: 97CF000642

Miscellaneous Conditions:

Ct.	Condition	Agency/Program	Comments
1	Costs		
1	Other fees		
1	Other	Department of Corrections	No contact with victim or females under age 18. Follow rules of parents. Treatment as may be determined appropriate. Not to engage in similar activity.
2	Costs		
2	Other	Department of Corrections	Same as Count 1.
3	Costs		
3	Other	Department of Corrections	Same as Counts 1 & 2.

IT IS ADJUDGED that 6 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes.

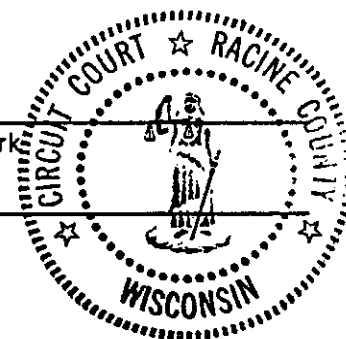
IT IS ORDERED that the Sheriff execute this sentence.

BY THE COURT:

Emmanuel Vuvunas, Judge  
Elizabeth M Blackwood, District Attorney  
Bridget E. Boyle, Defense Attorney

*Rhonda Jensen*  
Circuit Court Judge/Clerk/Deputy Clerk

1-12-98  
Date



Circuit Court, Racine County, State of Wisconsin,  
does hereby certify that this document is a true  
and correct copy of the original on file and of  
record in my office.

Dated: 01-17-98  
TARAESA L. WHEARY, CLERK OF CIRCUIT COURT

By Bonnie L Nagy, Deputy

State vs James Brandies

JUDGMENT OF CONVICTION

Sentence Withheld, Probation Ordered

Date of Birth: 10-04-1975

Case No.: 97CF000642

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To
1	Sex with Child Age 16 or Older Amended from 2nd deg. sex/assault	948.09 948.02(2)	Guilty	Misd. A BC	On or about spring, 95	
2	Exposing Genitals to Child Amended from Child Sexploitation	948.10 948.05(1)(b)	Guilty	Misd. A FC	02-17-1997	
3	Causing Child to Expose Genitals Amended from Child Sexploitation	948.10 948.05(1)(b)	Guilty	Misd. A fc	02-17-1997	

IT IS ADJUDGED that the defendant is convicted on 12-12-1997 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
1	12-12-1997	Withheld, Probation Ordered	2 YR	Must obey all rules and regulations while on probation. Photos and video taped materials to be destroyed.	DOC
2	12-12-1997	Withheld, Probation Ordered	2 YR	Concurrent with Count 1.	DOC
3	12-12-1997	Withheld, Probation Ordered	2 YR	Concurrent with Counts 1 & 2.	DOC

Conditions of Sentence or Probation

Obligations: (Total amounts only)

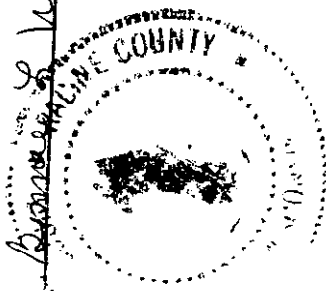
Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
30.00	60.00			17.40	150.00		

Conditions

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
1	Jail Time	90 DA	County	01-10-1998	8:30 am	CFTS 6 days. Serve 15 days, balance stayed. Do not report to the jail late or under the influence of alcohol or controlled substances.
2	Jail Time	90 DA	County			Concurrent with Count 1.
3	Jail Time	90 DA	County			Concurrent with Counts 1 & 2.

I hereby certify that this document is a true and correct copy of the original on file and of record in my office.

Dated: 01-17-98  
TARAESA L. WHEARY, CLERK OF CIRCUIT COURT  
Deputy



State vs James Brandies

JUDGMENT OF CONVICTION

Sentence Withheld, Probation Ordered

Date of Birth: 10-04-1975

Case No.: 97CF000642

Miscellaneous Conditions:

Ct.	Condition	Agency/Program	Comments
1	Costs		
1	Other fees		
1	Other	Department of Corrections	No contact with victim or females under age 18. Follow rules of parents. Treatment as may be determined appropriate. Not to engage in similar activity.
2	Costs		
2	Other	Department of Corrections	Same as Count 1.
3	Costs		
3	Other	Department of Corrections	Same as Counts 1 & 2.

IT IS ADJUDGED that 6 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes.

IT IS ORDERED that the Sheriff execute this sentence.

Emmanuel Vuvunas, Judge  
Elizabeth M Blackwood, District Attorney  
Bridget E. Boyle, Defense Attorney

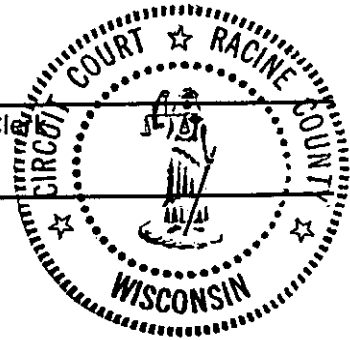
BY THE COURT:

*Rhonda Jensen*

Circuit Court Judge/Clerk/Deputy Clerk

*12-30-97*

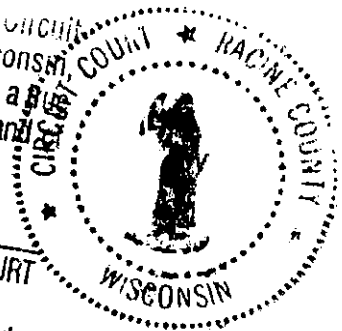
Date



I, the undersigned, Clerk of the Circuit Court of Racine County, Wisconsin, do hereby certify that this document is a true and correct copy of the original on file and record in my office.

Dated: *07-17-98*  
TARAESA L. WHEARY, CLERK OF CIRCUIT COURT

By *Bonnie L. Wozny*, Deputy



State vs James Brandies

JUDGMENT OF DISMISSAL

Date of Birth 10-04-1975

Case No. 97CF000642

IT IS ADJUDGED the charge(s) against the defendant is disposed of as follows:

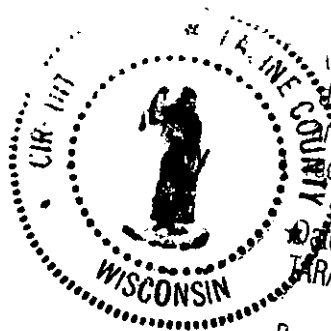
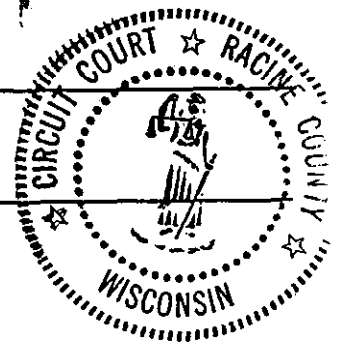
Count	Offense Charged	Statute Number	Dispo. Date	Disposition
4	Child Sexploitation-Videos, Records,etc.	948.05(1)(b)	12-12-1997	Dismissed /Pr Motion

IT IS ORDERED the defendant is discharged and any bond posted not otherwise forfeited is to be returned.

BY THE COURT:

*R. Rod Jensen*  
Court Official

*12-30-97*  
Date



I, *[Name]*, Circuit Court, Racine County, State of Wisconsin, do hereby certify that this document is a true and correct copy of the original on file and of record in my office.

Dated: *07-17-98*  
*MARSA L. WHEARY, CLERK OF CIRCUIT COURT*  
By *Bonnie L. Wagy*, Deputy

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : STIPULATION  
 JAMES J. BRANDIES :  
 RESPONDENT :

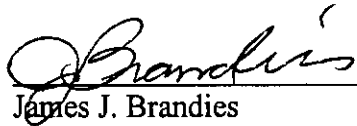
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It is hereby stipulated between James J. Brandies, and Steven M. Gloe, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:


1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (98 RSG 011). Mr. Brandies consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. The 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 by a preponderance of the evidence; 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 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 is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing. 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. Respondent waives all rights to any appeal of the attached order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Department assigned as an advisor in this investigation may appear before the Department for the purposes of speaking in support of this agreement and answering

questions that the Department may have in connection with their deliberations on the stipulation.

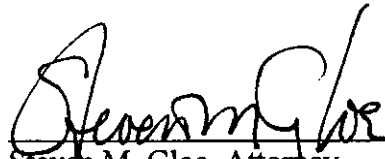
7. The Division of Enforcement joins James J. Brandies in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

  
James J. Brandies

8-14-98  
Date

  
Bridget Boyle  
Attorney for James J. Brandies

8-19-98  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

8.27.98  
Date

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On September 2, 1998, the Department of Regulation and Licensing  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$150.00 Case #: LS9809021RSG

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$150.00

The costs and/or forfeitures are due: October 2, 1998

NAME: James J. Brandies LICENSE NUMBER: Permit # 1570

STREET ADDRESS: 17035 Two Mile Road

CITY: Franksville STATE: WI ZIP CODE: 53126

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

**For Receipting Use Only**

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

In the Matter of the Disciplinary Proceedings Against

James J. Brandies,

AFFIDAVIT OF MAILING

Respondent.


STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

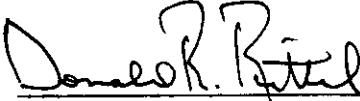
2. On September 17, 1998, I served the Final Decision and Order dated September 2, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9809021RSG, upon the Respondent James J. Brandies' attorney by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is Z 233 819 802.

Bridget Boyle, Attorney  
1124 W. Wells Street  
Milwaukee WI 53233

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 17<sup>th</sup> day of September, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.



## NOTICE OF RIGHTS OF APPEAL

TO: BRIDGET BOYLE ATTY

You have been issued an Order. For purposes of service the date of mailing of this Order is 9/17/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Order is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935