

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
ADRIAN L. JOHNSON, : **LS0810021REB**
RESPONDENT. :

Division of Enforcement case file 07 REB 159

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

Adrian L. Johnson
6330 N. 118th Street
Milwaukee, WI 53225

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Real Estate Board on October 2, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed 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 adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Adrian Johnson is licensed in the State of Wisconsin as a Real Estate Salesperson having license number 94-70362.
2. Mr. Johnson’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 6330 N. 118th Street, Milwaukee, WI 53225.
3. On May 25, 2007, Mr. Johnson self-reported the fact that he had been arrested and charged with felony possession of cocaine with intent to deliver. His application for licensure was pending at the time, and the application was granted on June 1, 2007. On June 15, 2007, Mr. Johnson pled guilty to felony possession of cocaine with intent to deliver in Milwaukee County case 2007CF001071, and he was sentenced to 4 years of prison, but the sentence was stayed and instead he was ordered to serve 9 months imprisonment with an additional 3 months of work release, followed by 3 years of supervision.
4. Mr. Johnson served his sentence of imprisonment and work release and was released on June 15, 2008, at which time he began his 3 years of supervision.
5. Mr. Johnson was previously convicted on July 17, 2003 of four misdemeanors: possession of THC, disorderly conduct, and two counts of providing age ID to an underage person. He was sentenced to 3 years of probation.

6. Following his release from custody in June of 2008, Mr. Johnson obtained employment as a real estate salesperson with Homestead Realty Inc. in Milwaukee. Mr. Johnson informed the owner-broker of Homestead Realty, William Berland, of his convictions and the status of his Real Estate license. Mr. Berland agreed to monitor Mr. Johnson for the Department and to prepare regular reports of his professional activities.

7. Regular drug testing is a condition of Mr. Johnson's probation.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to section 452.14 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Mr. Johnson's conviction for possession of cocaine with intent to deliver is substantially related to the practice of real estate under section 111.335 of the Wisconsin Statutes.

3. Respondent Adrian L. Johnson is subject to discipline under section RL 24.17 (2) of the Wisconsin Administrative Code for violating sec. RL 24.17 (1), Wis. Admin. Code: "Licensees may not violate, or aid or abet the violation of, any law the circumstances of which substantially relate to the practices of a real estate salesperson."

ORDER

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

IT IS FURTHER ORDERED that the Respondent, Adrian L. Johnson, is hereby REPRIMANDED.

IT IS FURTHER ORDERED that Adrian L. Johnson's Real Estate Salesperson's license is hereby **LIMITED** starting on the 10th business day after the date of this Order, as follows:

1. Respondent shall not practice real estate in any capacity unless Respondent is in full compliance with this Order.

2. Respondent shall not purchase, possess, use, sell or distribute illegal drugs.

3. Respondent shall not violate any law, other than traffic violations punishable only by a forfeiture and/or loss of points. Any further criminal conviction, including OWI, shall result in the revocation of Respondent's limited license without further notice or hearing or other proceeding.

4. Respondent shall provide a copy of this Final Decision and Order and any subsequent order immediately to the broker employer at any real estate company where he is employed.

5. If employed by a broker employer, it is Respondent's responsibility to arrange for the broker employer to file written reports with the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance. Contact information for the Department Monitor is as follows:

Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

6. If employed by a broker employer, Respondent shall arrange for his broker employer to immediately report to the Department Monitor any conduct of the Respondent that may constitute a violation of this Order or a danger to the public.
7. Respondent shall provide a copy of this Final Decision and Order and any subsequent order immediately to his probation officer.
8. Respondent shall comply with drug testing as ordered by his probation officer, and he shall promptly notify the Department Monitor of any positive drug test.
9. While he is under court-ordered supervision, it is Respondent's responsibility to arrange for his probation officer to file written reports -- which may be by email -- with the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's compliance with the terms of probation.
10. While he is under court-ordered supervision, Respondent shall arrange for his probation officer to immediately report to the Department Monitor any conduct of the Respondent that may constitute a violation of this Order or a danger to the public.
11. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others.
12. Respondent shall report to the Department Monitor any change of employment status, address or telephone number within five (5) days of the date of a change.
13. Respondent may petition the Board for modification or termination of any of the terms of this Order after he has completed his court-ordered probation. He may submit his petition up to three months prior to the termination of probation, but the Board shall not consider any such petition until his probation is completed. 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 Respondent shall not have a right to any further hearings or proceedings on the denial.
14. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, drug testing, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

IT IS FURTHER ORDERED that Adrian L. Johnson pay the Department's costs of this matter in the amount of **\$761.58** within 90 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor. In the event Mr. Johnson fails to pay the costs within the time and in the manner as set forth above, his Real Estate Salesperson's license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that **the violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license**; the Board in its discretion may in the alternative impose additional conditions and limitations or other discipline.

IT IS FURTHER ORDERED that file 07 REB 159 be closed.

Dated this 4th day of December, 2008.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Board Chair, or another member of the Board