

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

STATE OF WISCONSIN
BEFORE THE REAL ESTATE SECRETARY

IN THE MATTER OF THE APPLICATION :
FOR LICENSURE AS A REAL ESTATE : FINAL DECISION AND ORDER
SALESPERSON OF :
: :
GERMAINE D. JOHNSON, : ORDER 0000571
APPLICANT. :
:

Division of Enforcement Case Number 09 REB 113

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

Germaine D. Johnson
Applicant
3285 North 24th Place
Milwaukee, WI 53206

Department of Regulation and Licensing
Secretary
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

The Department of Regulation and Licensing's (Department) Division of Credentialing (DOC) denied the application for licensure as a Real Estate Salesperson of Germaine D. Johnson on July 9, 2009. On August 21, 2009 Mr. Johnson timely filed an appeal of that decision. Subsequently, the Division of Enforcement (DOE) and Mr. Johnson have entered into the Stipulation attached to this Final Decision and Order.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Applicant Germaine D. Johnson (Johnson), whose date of birth is January 31, 1982, and whose last address of record with the Department is 3285 North 24th Place, applied for

licensure as a real estate salesperson on March 11, 2009. Mr. Johnson has not previously been licensed as a real estate salesperson.

2. On March 11, 2009, Mr. Johnson signed and submitted a form, Convictions and Pending Charges, as part of his application as a Real Estate Salesperson. Mr. Johnson correctly indicated at that time that he had not been sentenced. Charges were pending against Mr. Johnson for Possession of Cocaine with Intent to Distribute, contrary to 21 U.S.C. The offense occurred in 2006, approximately three years before the date of conviction.

3. Mr. Johnson was sentenced on April 14, 2009, by the U.S. District Court, Eastern District of Wisconsin. Mr. Johnson was sentenced to "time served" and probation for a period of five years. Mr. Johnson was further ordered to pay \$100 in court costs.

4. Per Wis. Stat. § 452.03, "... Licenses shall be granted only to those persons who are competent to transact such businesses in a manner which safeguards the interest of the public, and only after satisfactory proof of the person's competence has been presented to the department."

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.05(1)(a).

2. The Department has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. A conviction for the possession of a controlled substance (cocaine) with the intent to deliver it, is in contravention of laws designed to safeguard the interests of the public in the proper control and distribution of such substances. Likewise, the sale of real estate is a field with substantial regulations designed to protect the interests of the public. Therefore, Mr. Johnson has been convicted of a crime, the circumstances of which are substantially related to the profession of a real estate salesperson, thereby demonstrating incompetency to act as a salesperson in a manner which safeguards the interests of the public.

WHEREFORE, the Department of Regulation and Licensing makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Germaine D. Johnson** shall be issued a license to practice as a real estate salesperson.

IT IS FURTHER ORDERED that:

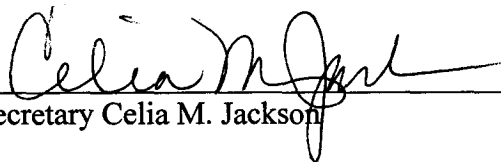
2. The license of **Germaine D. Johnson** as a real estate salesperson shall be **LIMITED** as follows: (a) Mr. Johnson must provide a copy of this Order to any broker that employs him, and the employing broker shall send a letter to the Department Monitor within seven (7) business days acknowledging receipt of a copy of the Order; (b) Mr. Johnson's employing broker shall closely supervise him, and review his work and inquire about his practice no less frequently than once per calendar week, and shall submit reports discussing his performance and compliance with applicable statutes and regulations to the Department Monitor no less frequently than once every three calendar months; and (c) Mr. Johnson shall comply with all terms of his probation. Mr. Johnson may petition the Wisconsin Real Estate Board for removal of these limitations after termination of all probation.

3. All submissions required by this Order shall be mailed, delivered or otherwise transmitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. Case number 09 REB 113 is hereby closed.
5. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: 
Secretary Celia M. Jackson

12/2/10
Date