

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK A. JOHNSON,
RESPONDENT.

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FINAL DECISION AND ORDER

0004667

Division of Legal Services and Compliance Case No. 15 REB 025

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

Mark A. Johnson
844 W. Lakeside Place, Apartment 2E
Chicago, IL 60640

Wisconsin Real Estate Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Wisconsin Real Estate Examining 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Mark A. Johnson (DOB October 1, 1961) is licensed by the State of Wisconsin as a real estate salesperson, having license number 74604-94, first issued on July 27, 2010 and current through December 14, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 844 W. Lakeside Place, Apartment 2E, Chicago, Illinois 60640.

2. On January 12, 2012, Respondent was convicted by no contest plea of two (2) counts of Manufacture/Deliver Amphetamine (Felony F) in Dane County Circuit Court Case Number 2011CF001623.

3. Respondent's sentence was withheld, and he was ordered to complete four (4) years of probation to include one hundred (100) hours of community service, payment of costs, a requirement of absolute sobriety, and random drug testing.

4. On August 23, 2014, Respondent was released early from his probation. Respondent's probation agent was contacted during the Department's investigation and stated Respondent was on a low level of supervision, reported to his probation agent every three (3) months, passed random urinalysis tests, and successfully completed all ordered community service.

5. Respondent did not report his conviction to the Department.

6. Respondent moved from the last address he provided to the Department and did not notify the Department within thirty (30) days of his change of address. He therefore did not receive or respond to the Department's initial attempt to contact him.

7. Respondent is not currently practicing real estate in the state of Wisconsin.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.17(1) by failing to report his conviction within thirty (30) days after entry of the judgment of conviction.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 440.11(1) by, after moving from the last address provided to the Department, failing to notify the Department of his new address within thirty (30) days of the date of the change.

4. As a result of the above violations and conduct, Mark A. Johnson is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (p).

ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of the real estate salesperson license issued to Mark A. Johnson (license number 74604-94) is hereby ACCEPTED.

3. Respondent shall not re-apply for licensure for a period of five (5) years following the date of this Order.

4. Should Respondent re-apply for licensure:

a. Respondent shall pay the COSTS of this matter in the amount of \$400, before any such application may be considered. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

b. Respondent shall submit a new application for licensure and meet all requirements for licensure or certification existing at the time of the application.

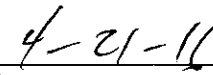
c. The Board may determine whether and under what terms and conditions such licensure may be granted.

5. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK A. JOHNSON,
RESPONDENT.

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STIPULATION

0004667

Division of Legal Services and Compliance Case No. 15 REB 025

Respondent Mark A. Johnson and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, 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 Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). 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 Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance 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.

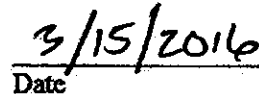
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

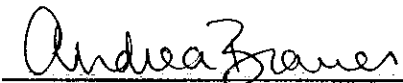
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Mark A. Johnson, Respondent
844 W. Lakeside Place, Apartment 2E
Chicago, IL 60640
License no. 74604-94



Date



Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190



Date