

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER  
97 REB 010

JOEL R. JOHANNES  
RESPONDENT.

LS9812102 REB

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

Joel R. Johannes  
6275 Oakland Hills Rd.  
Nashotah, WI 53901

Wisconsin Real Estate Board  
P.O. Box 8935  
Madison, WI 53708

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. **Joel R. Johannes** ("Johannes"), date of birth 6/15/34, is licensed in the State of Wisconsin as a real estate broker having license # 90-11021. This license was first granted to him on 12/28/73. At all times relevant, Johannes was a broker at Homestead Realty, Inc., license # 91-833274, located at N6139 N. 76, Milwaukee, WI 53223.
2. Johannes's most recent address on file with the Department of Regulation and Licensing is 6275 Oakland Hills Rd. Nashotah, WI 53901.
3. On or about August 3, 1996, Johannes entered into a Residential Listing Contract-Exclusive Right To Sell agreement with David and Andrea Stewart for the sale of the their property located at 450 Prospect Dr., Waukesha, WI. Andrea Stewart is Johannes's daughter and David is his son-in-law. The list price was \$159,900.00 with a broker's commission of 2.9%. A copy of the Residential Listing Contract-Exclusive Right To Sell agreement is attached as **Exhibit 1** and is incorporated herein by reference.
4. On or about September 6, 1996, a Residential Offer To Purchase was submitted by Wayne and Arlene Tuuk for the Stewart property as drafted by Thomas Patti of Wauwatosa Realty Co. The offered price was \$149,000.00 with earnest money of \$500.00 due within three days of acceptance. A copy of the Residential Offer to Purchase with Addendum A is attached as **Exhibit 2** and is incorporated herein by reference.
5. On or about September 7, 1996, Johannes drafted a Counter-Offer for the sellers David and Andrea Stewart, with a selling price of \$155,900.00. This Counter-Offer was countered by the Tuuks on or about September 8, 1996, with a purchase price of \$153,000.00. This Counter-Offer was accepted by the Stewarts on or about September 9, 1996. A copy of the Stewart's Counter-Offer is attached as **Exhibit 3** and is incorporated herein by reference. A copy of the Tuuk's Counter-Offer to the Stewart's counter is attached as **Exhibit 4** and is incorporated herein by reference.
6. Johannes did not disclose his family relationship with the sellers on any of the real estate documents he prepared on their behalf and did not otherwise obtain the prior written consent of all parties prior to his acting as an agent in the Stewart to Tuuk transaction.

#### **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 **Joel R, Johannes** has violated:

a. Section RL 24.05(2) Wisconsin Administrative Code and sections 452.133(3)(b), 452.14(3)(i) and 452.14(3)(L) of the Wisconsin Statutes by acting as a agent in a real estate transaction on behalf of his daughter and son-in law without the prior written consent of all parties to the transaction.

### ORDER

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

IT IS FURTHER ORDERED, that Respondent **Joel R. Johannes**, within six months of the date of this Order, successfully complete the following course module from the 36 hour pre- licensing real estate broker's course at an educational institution approved by the Department of Regulation and Licensing:

a. The four hour Business Ethics module-section RL 25.02(2)(g), of the Wisconsin Administration Code.

and submit proof of the same to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935, in the form of verification from the institution providing the education. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent **Joel R. Johannes**, fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent Joel R. Johannes, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board.

IT IS FURTHER ORDERED, that Respondent **Joel R. Johannes**, pay partial costs of this matter in the amount of \$150.00 within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Joel R. Johannes**, fails to pay the \$150.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Joel R. Johannes**, his real estate license shall be suspended 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 and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 97 REB 010 be, and hereby is, closed.

Dated this 10th day of December, 1998.

### WISCONSIN REAL ESTATE BOARD

By: Richard Hinsman

A member of the Board

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