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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
JEREMY B. METZGER AND : ORDER 0000366
MIDWEST REALTY GROUP, LLC, :
RESPONDENTS. :

Division of Enforcement case file 06 REB 134

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

Jeremy B. Metzger
1042 S. Silver Lake St.
Oconomowoc, WI 53066

Midwest Realty Group, LLC
1042 S. Silver Lake St.
Oconomowoc, WI 53066

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

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 Board ("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. Jeremy B. Metzger is licensed in the State of Wisconsin as a Real Estate Broker, having license #90-52256, first issued on May 18, 2004.
2. Mr. Metzger's most recent address on file with the Department of Regulation and Licensing ("Department") is 1042 S. Silver Lake Street, Oconomowoc, WI 53066.

3. Midwest Realty Group, LLC is licensed in the State of Wisconsin as a Real Estate Business Entity, having license #91-700925, first issued on May 18, 2004. Mr. Metzger is the sole owner of Midwest Realty Group, LLC.

4. Midwest Realty Group, LLC's most recent address on file with the Department of Regulation and Licensing ("Department") is 1042 S. Silver Lake Street, Oconomowoc, WI 53066.

5. Mr. Metzger's Real Estate Broker's license expired on December 31, 2006. Mr. Metzger continued to practice real estate following that date although his license was not renewed until February 23, 2007.

6. Midwest Realty Group, LLC's Business Entity license expired on December 31, 2006. Mr. Metzger continued to operate Midwest Realty Group, LLC following that date although its license was not renewed until May 4, 2007.

7. On February 4, 2006, Mr. Metzger through his business entity, Midwest Realty Group LLC, prepared and presented an Offer to Purchase for commercial property in Mayville, Wisconsin owned by Dave Thomas, who was living in the state of Washington, and listed for sale by Charles Borchardt of Shorewest Realtors. The offer was \$433,500, it was accepted, and closing was set for March 31, 2006.

8. Mr. Metzger was identified on the OTP as the purchaser, and he disclosed the fact that he was a licensed broker. He told Mr. Borchardt that he was making the offer on behalf of an LLP comprised of a group of investors, but this is not mentioned in the OTP.

9. Relying on the contract, Mr. Thomas evicted tenants from the property, and flew to Wisconsin for the closing on March 31, 2006. A few hours before the scheduled closing, Mr. Metzger said another assessment of the project needed to be completed before the lender would release the money. The parties signed an amendment to change the closing date to April 14, 2006 and Mr. Thomas returned to Washington.

10. On April 13, 2006, Mr. Metzger prepared an amendment changing the closing date to no later than May 31, 2006, increasing the purchase price to \$440,000, and assigning his interest in the property to Mayville High Condominiums, LLC. The amendment was accepted.

11. Mr. Metzger failed to appear for the scheduled closing on May 31, 2006.

12. Mayville High Condominiums, LLC is not and never has been a Wisconsin corporation.

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. By practicing real estate without a license, Jeremy B. Metzger violated section 452.03, Wis. Stats.
3. By operating as a Real Estate Business Entity without a license, Midwest Realty Group, LLC violated sec. 452.03, Wis. Stats.
4. By representing, orally to Charles Borchardt and in writing in the April 13, 2006 amendment, that an LLC comprised of investors was involved in the offer to purchase, Mr. Metzger engaged in fraudulent dealing, thereby violating secs. RL 24.03 (2) (b) and RL 24.07 (2), Wis. Admin. Code, and sec. 452.12 (3) (k), Wis. Stats.
5. By failing to disclose all known material adverse facts, Mr. Metzger violated sec. 452.133 (1), Wis. Stats.
6. Jeremy B. Metzger and Midwest Realty Group, LLC are subject to discipline under sec. 453.14 (3), Wis. Stats., for the violations above.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. The attached Stipulation is hereby accepted;
2. Respondent **Jeremy B. Metzger**, certification #90-52256, is hereby **REPRIMANDED**.
3. Respondent **Jeremy B. Metzger** shall, within one (1) year of the date of this Order, successfully complete the Wisconsin Realtor's Association continuing education course entitled "Elective C – Condominiums" and two (2) other of the listed elective courses or seminars, or other similar courses pre-approved by the Board, at his own expense, including taking and passing any exam offered for that course or seminar:

Elective A - Risk Reduction
Elective B - 1031 Exchanges and Exchange Opportunities
Elective C - Condominiums
Elective D - Landlord/Tenant and Property Management
Elective E - Financing the Sale
Elective F - Broker Supervision

Metzger shall submit verification from the institution providing the education to the Department Monitor's address stated below. **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.** This education is **in addition** to Respondent's continuing education requirements. This educational requirement limitation shall be lifted upon the Department Monitor's receipt and approval of the verification of Metzger's successful completion of the required education.

4. Jeremy B. Metzger shall pay the Department's costs of this matter in the amount of **\$822.00** 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:

Department Monitor
Department of Regulation and Licensing
PO Box 8935
Madison, WI 53708-8935

Fax (608) 266-2264
Tel. (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Metzger's Real Estate Broker's license, as well as the summary suspension of Midwest Realty Group, LLC's Real Estate Business Entity license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Metzger fails to timely submit any payment of the costs as set forth above or fails to complete the education as ordered, or is otherwise in violation of this order, Metzger's license, #90-52256, and Midwest Realty Group, LLC's license, #91-700925, SHALL BE SUSPENDED, without further notice or hearing, until Metzger has complied with the terms of this Order.

IT IS FURTHER ORDERED that file 06 REB 134 be closed.

Dated this 26 day of August, 2010.

WISCONSIN REAL ESTATE BOARD

By: *Jessabeta Weirich*
~~Peter Sveum~~, Board Chair, or another member of the Board
Jessabeta Weirich