

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MICHAEL J. ARIOLA, :
RESPONDENT. : **ORDER 0007115**

Division of Legal Services and Compliance Case No. 19 REB 128

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

Michael J. Ariola
Lake Tomahawk, WI 54539

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 Michael J. Ariola (Birth Year 1976) is licensed by the State of Wisconsin as a real estate broker, having license number 50041-90, first issued on December 6, 1999 and current through December 14, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Lake Tomahawk, Wisconsin 54539.

2. On November 12, 2019, the Department received two complaints alleging that Respondent had sent harassing emails to Complainant I.D. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 REB 128 for investigation.

3. On September 3, 2019, Respondent was assigned by a real estate asset management company (the company) to act as the listing agent for a property in Keenan, Wisconsin. After visiting the site, Respondent observed that this was a distressed property and

advised the company that the property required extensive cleaning and winterization prior to sale.

4. On or around November 6, 2019, the company instructed Respondent to list the property.

5. On November 6, 2019 at 12:49 p.m., Respondent sent an email to Complainant I.D., an employee of the company, to inform her that the property was still in bad condition, and that additional work was required to prepare the property for sale.

6. Between November 6 and November 11, 2019, Respondent sent numerous emails to Complainant I.D. regarding the poor condition of the property he was requested to list. Respondent's communications got increasingly inappropriate and unethical.

7. On November 7, 2019 at 7:16 p.m., Respondent sent an email to Complainant I.D. that stated "[I.D.], No response? I am not going to sit on the bullshit. I will drop the listing if you are not going to work with me cleaning the place up. Please advise..."

8. On November 8, 2019 at 8:17 a.m., Respondent sent an email to Complainant I.D. to inform her that he would not list the property until it was cleaned up.

9. On November 11, 2019 at 10:01 a.m., Complainant I.D. sent an email to Respondent stating that the file would be reassigned to another listing agent.

10. On November 11, 2019 at 10:28 a.m., Respondent sent an email to Complainant I.D. that stated "Ignorant asshole, I should have let the place freeze solid..."

11. On November 11, 2019 at 5:41 p.m., Respondent sent an email to Complainant I.D. that stated "Hey [I.D.], I will take my pride not to work with you any further. I tried to help save your asset, good luck finding a better agent. Dont contact me or my office ever again..."

12. On November 11, 2019 at 5:51 p.m., Respondent sent an email to Complainant I.D. that stated "Dont you ever contact me or my office, or I will harass you everyday for the next year..."

13. On December 26, 2019, Respondent sent an email to the Department in which he admitted that he had expressed some unpleasant words in his interaction with Complainant I.D. due to his frustration with the company.

14. 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. Stat. § 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care pursuant to Wis. Stat. § 452.133(4m)(a).

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation, and unethical practices.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(L) and (4m)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Michael J. Ariola is REPRIMANDED.

3. Respondent Michael J. Ariola's real estate broker license (no. 50041-90) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete a course on the topic of business ethics from a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam(s) offered for the course(s).
- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.

4. Within ninety (90) days from the date of this Order, Respondent Michael J. Ariola shall pay the COSTS of this matter in the amount of \$497.

5. Requests for pre-approval, proof of successful course completion, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

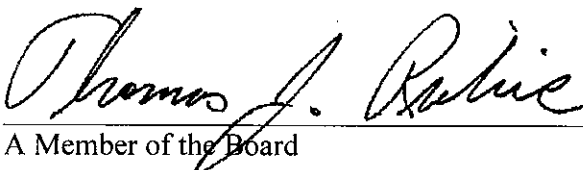
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 50041-90), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

10 December 2020
Date

RECEIVED

NOV 30 2020

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL J. ARIOLA,
RESPONDENT.

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:

STIPULATION

ORDER 0007115

Division of Legal Services and Compliance Case No. 19 REB 128

Respondent Michael J. Ariola 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.

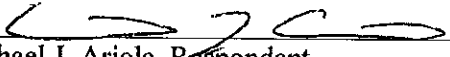
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.


Michael J. Ariola, Respondent
Lake Tomahawk, WI 54539
Credential No. 50041-90

11-27-20
Date

Renee M. Parton
Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/30/2020
Date