

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

LI ZHANG,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0007315

Division of Legal Services and Compliance Case No. 18 REB 107

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

Li Zhang
Fitchburg, WI 53711

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 Li Zhang (Birth Year 1961) is licensed by the State of Wisconsin as a real estate broker, having license number 54073-90, first issued on October 17, 2006 and current through December 14, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fitchburg, Wisconsin 53711.

2. On October 8, 2018, the Department received a complaint alleging that Respondent refused to return earnest money that was owed to Complainants. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 REB 107 for investigation.

3. In 2018, Respondent represented the seller in a real estate transaction in Madison, Wisconsin.

4. On June 11, 2018, Complainants submitted a WB-11 Offer to Purchase for the subject property, which included an appraisal contingency.

5. On July 2, 2018, the appraisal of the subject property reported a lower price than the accepted purchase price. The parties could not come to an agreement on a new purchase price.

6. On July 6 and 9, 2018, Complainants and the seller signed the WB-45 Cancellation Agreement & Mutual Release (CAMR), which stated that the earnest money would be returned to Complainants.

7. Shortly after signing the CAMR, Respondent refused to return the earnest money to Complainants, and accused Complainants of 'fixing' the appraisal to get out of purchasing the subject property.

8. On November 26, 2018, Respondent stated that Complainants had improperly used the appraisal to get out of purchasing the subject property in order to pursue another nearby property.

9. On December 31, 2018, Complainants' agent's firm stated that Complainants could not 'fix' the appraisal because the appraisal was generated independently without input from the buyers, agents, or lender. Complainants' agent's firm also stated that the other property pursued by Complainants was not actually listed on MLS until July 9, 2018, after the CAMR had been signed.

10. 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 18.09(1) by failing to properly disburse trust funds from a firm's real estate trust account.

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)(i), (h), (L), and (4m)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Li Zhang is REPRIMANDED.
3. Respondent Li Zhang's real estate broker license (no. 54073-90) is LIMITED as follows:
 - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete six hours of education on the topic of ethics, and one course of education on the topic of contract law 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 Li Zhang shall pay the COSTS of this matter in the amount of \$1,745.00.
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 54073-90), or Respondent's right to renew her 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: Thomas J. Reine
A Member of the Board

15 April 2021
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

| | | |
|-------------------------------|---|-------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | STIPULATION |
| LI ZHANG, | : | |
| RESPONDENT. | : | |

Division of Legal Services and Compliance Case No. 18 REB 107

Respondent Li Zhang 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.

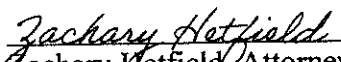
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Li Zhang, Respondent
Fitchburg, WI 53711
Credential No. 54073-90

03-20-2021

Date



Zachary Hetfield, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/22/21

Date