

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JOSHUA C. GENZ,	:	
RESPONDENT.	:	<b>ORDER 0007747</b>

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Division of Legal Services and Compliance Case No. 18 REB 147

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

Joshua C. Genz  
Holmen, WI 54636

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 Joshua C. Genz (Birth Year 1981) is licensed by the State of Wisconsin as a real estate broker, having license number 58562-90, first issued on December 18, 2018 and current through December 14, 2022, and as a real estate salesperson, having license number 76296-94, first issued on August 1, 2012 and expired as of December 15, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Holmen, Wisconsin 54636.

2. On December 28, 2018, the Department received a complaint alleging that Respondent had acted improperly in several real estate transactions. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 18 REB 147 for investigation.

3. For most of 2017, Respondent was associated with a firm, hereinafter "C.R. LLC." Respondent resigned from C.R. LLC on December 22, 2017.

4. Department records show that Respondent did not become associated with a new broker until January 2, 2018, when he became associated with licensed real estate broker Travis Hamele.

5. On December 18, 2017, Travis Hamele signed a Listing Contract for vacant land located on Indigo Road in West Salem, Wisconsin (the Indigo Road property).

6. The Department reviewed the transaction documents for the Indigo Road property and discovered the following issues:

- a. The upper right corner of the first page of the Listing Contract states "C.R. LLC."
- b. The bottom of the first page of Listing Contract states C.R. LLC's address and "Joshua Genz."
- c. The upper right corner of the first page of the Vacant Land Disclosure Report states "C.R. LLC."
- d. The bottom of the first page of the Vacant Land Disclosure Report states C.R. LLC's address and "Joshua Genz."

7. On April 26, 2019, Respondent provided an undated statement from the seller of the Indigo Road property to the Department. In the statement, the seller stated that he was a longtime friend of Respondent's. He stated that he hired Respondent to sell the Indigo Road property because of this friendship, and he did not care what company Respondent was with.

8. On December 26, 2017, Respondent and Travis Hamele signed a Listing Contract for a property located on Ceresa Drive in West Salem, Wisconsin (the Ceresa Drive property).

9. The Department reviewed the Listing Contract for the Ceresa Drive property and discovered the following issues:

- a. C.R. LLC's name is listed at the top and bottom of the first page.
- b. C.R. LLC's address is listed at the bottom of the first page.
- c. Respondent's name is listed at the bottom of the first page.
- d. Lines 381-383 state the term of the listing contract is from December 26, 2017 to June 26, 2018.
- e. Lines 374-375 state the property would be available for showing during the holidays and would be entered into the MLS on January 2, 2018.
- f. Line 400 shows "United Country Badgerland Auction & Realty" ("UC Badgerland") listed as the firm. UC Badgerland was issued a real estate business entity license by the Department on October 22, 2020. It has

never been registered with the Department as a trade name for Respondent or Travis Hamele or his firm.

- g. Line 402 shows that both Respondent and Travis Hamele signed for the Agent's signature.

10. On January 9, 2018, Respondent signed a Listing Contract for a property on County Road ZB in Onalaska, Wisconsin (the County Road ZB property).

11. The Department reviewed the transaction documents for the County Road ZB property and discovered the following issues:

- a. The upper right corner of the first page of the Listing Contract shows "United Country Summit Realty Group LLC" (hereinafter "Summit").
- b. The bottom of the first page of the Listing Contract lists Summit's name and address.
- c. Lines 286 and 329 of the Listing Contract show Respondent's firm name as Summit.
- d. The upper right corner of the first page of the Real Estate Condition Report shows Summit's name.
- e. The bottom of the first page of the Real Estate Condition Report lists Summit's name and address.
- f. The Multiple Listing Service (MLS) listing for the County Road ZB property showed the listing office to be Summit and the agent to be Respondent with Summit.
- g. The Offer to Purchase was signed by Respondent on May 10, 2018, and his firm name is listed as Summit.
- h. The receipt for earnest money for the County Road ZB property is on letterhead that states, "United Country Real Estate, Summit Realty Group LLC."

12. Summit has never been issued a business entity license and the name is not a registered trade name for Respondent, Travis Hamele or his firm.

13. According to the Wisconsin Department of Financial Institutions, "Summit Realty Group LLC" was incorporated on January 1, 2018. Respondent is listed as the registered agent for Summit Realty Group LLC.

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)(a) by failing to provide brokerage services honestly and fairly, pursuant to Wis. Stat. § 452.133(4m)(a).

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 16.06(1)(c) by failing to state the firm's address and telephone number at an appropriate place on the form.

4. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 17.03(4) by engaging in real estate practice while not associated with a firm.

5. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § REEB 23.03(2) by failing to notify the Department in writing of a trade name before doing business under that trade name.

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

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

### ORDER

1. The attached Stipulation is accepted.

2. Respondent Joshua C. Genz is REPRIMANDED.

3. Respondent Joshua C. Genz's real estate broker license (no. 58562-90) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete education on the topics of approved forms and business ethics, including taking and passing any exams offered for the courses. Courses must be from a provider pre-approved by the Board or its designee.
- 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 Joshua C. Genz shall pay a FORFEITURE in the amount of \$500 and one-third of the COSTS of this matter in the amount of \$1,306, for a total of \$1,806.

5. Requests for pre-approval, proof of successful course completion, payment of forfeiture and 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) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov


This information may also be submitted online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's credentials (numbers 58562-90 and 76296-94), or Respondent's right to renew his credentials, 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

9 December 2021

Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JOSHUA C. GENZ,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0007747**

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Division of Legal Services and Compliance Case No. 18 REB 147

Respondent Joshua C. Genz 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. Respondent is represented by Attorney Benoit Letendre.

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.



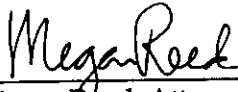
Joshua C. Genz, Respondent  
Holmen, WI 54636  
Credential No. 58562-90  
Credential No. 76296-94

11/18/21  
Date



Benoit Letendre, Attorney for Respondent  
221 Third Ave  
PO Box 556  
Baraboo, WI 53916

November 18, 2021  
Date



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

11/19/2021  
Date