

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 | : | |
| | : | FINAL DECISION AND ORDER |
| GUANGFU JIA AND | : | |
| HARBIN REALTY MANAGEMENT, LLC, | : | |
| RESPONDENTS. | : | ORDER 00078 14 |

Division of Legal Services and Compliance Case No. 21 REB 041

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

Guangfu Jia
Brookfield, WI 53005

Harbin Realty Management, LLC
Brookfield, WI 53005

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 Guangfu Jia (Birth Year 1969) is licensed by the State of Wisconsin as a real estate broker, having license number 57370-90, first issued on September 9, 2013 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 Brookfield, Wisconsin 53005.

2. Respondent Harbin Realty Management, LLC is licensed by the State of Wisconsin as a real estate business entity, having license number 937363-91, first issued on September 9, 2013 and current through December 14, 2022. Respondent's most recent address on file with the Department is in Brookfield, Wisconsin 53005.

3. Respondent Guangfu Jia is identified in Department records as the responsible licensee in charge of Respondent Harbin Realty Management, LLC.

4. On May 11, 2021, the Department received a complaint alleging that Respondents were not fulfilling their duties as property managers for Complainant's property. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 REB 041 for investigation.

5. Complainant hired Respondents to act as property managers for Complainant's rental property in Franklin, Wisconsin.

6. On December 15, 2020, Respondent Harbin Realty Management, LLC's credential expired.

7. On July 13, 2021, Respondent Harbin Realty Management, LLC's credential was renewed.

8. On August 5, 2021, Respondents' attorney stated that Respondents were acting as property managers for Complainant based on a verbal, non-written, agreement between the parties.

9. On August 5, 2021, Respondents' attorney stated that none of the rent received by Respondents was held in a trust account.

10. On August 9, 2021, Respondents' attorney stated that Respondent Harbin Realty Management, LLC continued to operate during the time that its license was expired, and that Respondents handled between eight and ten transactions during this time.

11. On September 29, 2021, Respondents' attorney reiterated that the rent checks received by Respondents were deposited in Respondent's business checking account, and not held in a trust account.

12. On September 29, 2021, Respondents' attorney reiterated that Respondents were acting as property managers for Complainant based on a verbal, non-written, agreement between the parties.

13. In resolution of this matter, Respondents consent 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, Respondents violated Wis. Admin. Code § REEB 18.031(1) by failing to deposit all real estate trust funds received by the firm or licensees associated with the firm in a real estate trust account within 48 hours of receipt of the trust funds.

3. By the conduct described in the Findings of Fact, Respondents violated Wis. Stat. § 452.12(5)(bm)2. by engaging in any of the activities covered by the firm's license on behalf of the firm while its license was expired.

4. By the conduct described in the Findings of Fact, Respondents violated Wis. Admin. Code § REEB 24.08 by failing to put in writing all property management agreements and any other commitments regarding transactions, expressing the exact agreement of the parties.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Guangfu Jia is REPRIMANDED.
3. Respondent Harbin Realty Management, LLC is REPRIMANDED.
4. Respondent Guangfu Jia's real estate broker license (no. 57370-90) is LIMITED as follows:
 - a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete one education course on the topic of trust accounts from a provider pre-approved by the Board or its designee, including taking and passing any exam(s) offered for the course.
 - 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.
5. Within ninety (90) days from the date of this Order, Respondent Guangfu Jia shall pay one-half of the COSTS of this matter, for a total of \$327.
6. Within ninety (90) days from the date of this Order, Respondent Harbin Realty Management, LLC shall pay one-half of the COSTS of this matter, for a total of \$327.
7. 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 Respondents 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

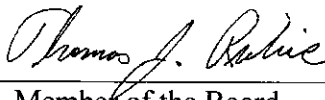
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 57370-90 and 937363-91), or Respondents' right to renew their credentials, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondents have 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.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: 
A Member of the Board

3 February 2022
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GUANGFU JIA AND
HARBIN REALTY MANAGEMENT, LLC,
RESPONDENTS.

:
:
:
:
:
:

STIPULATION

ORDER 00078 14

Division of Legal Services and Compliance Case No. 21 REB 041

Respondents Guangfu Jia and Harbin Realty Management, LLC 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. Respondents consent to the resolution of this investigation by Stipulation.

2. Respondents understand that by signing this Stipulation, Respondents voluntarily and knowingly waive the following rights:

- the right to a hearing on the allegations against Respondents, 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 Respondents;
- the right to call witnesses on Respondents' behalf and to compel their attendance by subpoena;
- the right to testify on Respondents' 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 Respondents under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondents are aware of Respondents' right to seek legal representation and have been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondents are represented by Attorney Ben Pliskie.

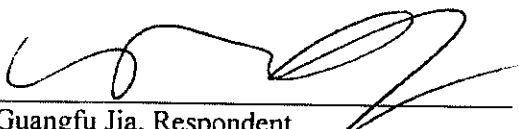
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive 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.

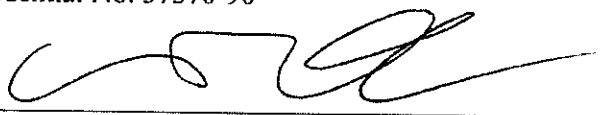
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondents, for purposes 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. Respondents are 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.

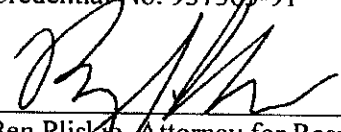
8. The Division of Legal Services and Compliance joins Respondents in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Guangfu Jia, Respondent
Brookfield, WI 53005
Credential No. 57370-90


12-17-2021
Date


Harbin Realty Management, LLC, Respondent
By: Guangfu Jia, Responsible Licensee
Brookfield, WI 53005
Credential No. 937363-91

12-17-2021
Date


Ben Pliske, Attorney for Respondents
15730 W. National Ave
New Berlin, WI 53151

12-17-2021
Date


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

12/22/2021
Date