

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

RONALD T. WELNETZ AND
ABSOLUTE REALTORS INC.,
RESPONDENTS.

:
:
: FINAL DECISION AND ORDER
:
:
:

ORDER 0008128

Division of Legal Services and Compliance Case Nos. 19 REB 091 and 19 REB 133

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

Ronald T. Welnetz
Antigo, WI 54409

Absolute Realtors Inc.
Antigo, WI 54409

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 Ronald T. Welnetz (Birth Year 1956) is licensed by the State of Wisconsin as a real estate broker, having license number 49007-90, first issued on June 9, 1997 and current through December 14, 2022. Respondent Welnetz's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Antigo, Wisconsin 54409.

2. Respondent Absolute Realtors Inc. is licensed by the State of Wisconsin as a real estate business entity, having license number 834508-91, first issued on January 27, 1994 and current through December 14, 2022. Respondent Absolute Realtors Inc.'s most recent address on file with the Department is in Antigo, Wisconsin 54409.

3. Respondent Ronald T. Welnetz is identified in Department records as the responsible licensee in charge of Respondent Absolute Realtors Inc.

19 REB 091

4. On August 30, 2019, the Department received a complaint alleging that Respondents billed Complainant for real estate services without having a contract for those services. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 REB 091 for investigation.

5. In July of 2018, Complainant asked Respondents to review Complainant's property and to obtain bids for "trashing out" the property. Complaint also discussed listing the property with Respondents. Respondents began performing the work at that time before signing a contract with Complainant to do so.

6. On October 16, 2018, Respondents and Complainant signed a WB-1 Residential Listing Contract – Exclusive Right to Sell for the subject property.

7. On October 2, 2019, Respondent Welnetz admitted that Respondents performed work on the subject property and billed Complainant for the work prior to signing a contract.

19 REB 133

8. On December 17, 2019, the Department received a complaint alleging that Respondents acted unethically during a real estate transaction. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 REB 133 for investigation.

9. On November 12, 2019, Respondent Welnetz drafted an Offer to Purchase for a bank-owned property in Langlade County, Wisconsin. Respondent Welnetz wrote the offer as a subagent to the seller in this transaction. The buyer was his customer and Complainant's office represented the seller.

10. On November 19, 2019, the listing agent emailed Respondent Welnetz a Multiple Counter-Offer with a higher purchase price for the subject property.

11. On November 20, 2019, the buyer accepted the Multiple Counter-Offer, and Respondent Welnetz emailed the listing agent the signed Multiple Counter-Offer.

12. On November 20, 2019, a banker, representing the seller/bank, contacted Respondent Welnetz to negotiate the transaction while the listing agent was on vacation. The banker/seller, apparently unaware that the buyer had accepted the Multiple Counter-Offer, disclosed that the seller/bank may be willing to accept the original cash offer with the lower purchase price. Respondent Welnetz informed the banker/seller that the buyer had already accepted the Multiple Counter-Offer, and he emailed the banker/seller the signed Multiple Counter-Offer.

13. On November 20, 2019 at 10:58 a.m., Respondent Welnetz sent an email to the banker/seller and inquired "... may I ask how you listed with [the listing agent]?"

14. On November 25, 2019 at 3:11 p.m., Respondent Welnetz sent an email to the banker/seller and stated "I thought maybe a small selling agent bonus is in order since I convinced the buyer to go the \$3,000 higher..."

15. On November 27, 2019 at 9:49 a.m., Respondent Welnetz sent an email to the title company handling the closing for the seller and asked "... did the bank give me a selling bonus? lol."

16. 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 24.08 by failing to put in writing all listing contracts, guaranteed sales agreements, buyer agency agreements, offers to purchase, property management agreements, option contracts, financial obligations and any other commitments regarding transactions, expressing the exact agreement of the parties.

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

4. By the conduct described in the Findings of Fact, Respondent Absolute Realtors Inc. violated Wis. Admin. Code § REEB 24.17(3) by aiding and abetting the above violation.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Ronald T. Welnetz is REPRIMANDED.

3. Respondent Absolute Realtors Inc. is REPRIMANDED.

4. Respondent Ronald T. Welnetz's real estate broker license (no. 49007-90) is LIMITED as follows:

- a. Within thirty (30) days of the date of this Order, Respondent shall successfully complete an education course on the topic of business ethics offered by a provider pre-approved by the Board or its designee, including taking and passing any exam offered for this 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. The education completed pursuant to this requirement may not be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.

5. Within ninety (90) days from the date of this Order, Respondent Ronald T. Welnetz shall pay one-half of the COSTS of this matter, for a total of \$1,018.

6. Within ninety (90) days from the date of this Order, Respondent Absolute Realtors Inc. shall pay one-half of the COSTS of this matter, for a total of \$1,018.

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

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

8. In the event Respondents violate any term of this Order, Respondents' credentials (numbers 49007-90 and 834508-91), 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

8/18/2022
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RONALD T. WELNETZ AND
ABSOLUTE REALTORS INC.,
RESPONDENTS.

STIPULATION

ORDER 0008129

Division of Legal Services and Compliance Case Nos. 19 REB 133 and 19 REB 091

Respondents Ronald T. Welnetz and Absolute Realtors Inc. 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 Michael Winter.
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.

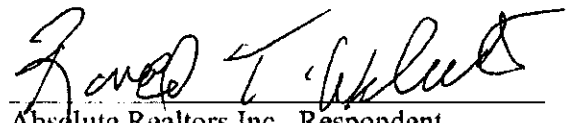
7. Respondents are informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.




Ronald T. Welnetz, Respondent
Antigo, WI 54409
Credential No. 49007-90

4/11/2022
Date



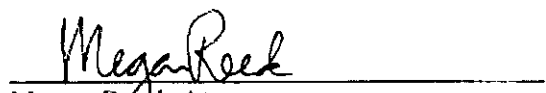
Absolute Realtors Inc., Respondent
By: Ronald T. Welnetz, Responsible Licensee
Antigo, WI 54409
Credential No. 834508-91

4/11/2022
Date



Michael Winter, Attorney for Respondent
Winter Law Office
835 5th Street
Antigo, WI 54409

4/7/2022
Date



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

04/13/2022
Date