

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
RODNEY A. FREYMILLER, :
RESPONDENT. :
ORDER 0008494

Division of Legal Services and Compliance Case No. 20 REB 074

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

Rodney A. Freymiller
Fennimore, WI 53809-2020

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 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 Rodney A. Freymiller (Birth Year 1958) is licensed by the State of Wisconsin as a real estate broker, having license number 34201-90, first issued on April 23, 1985 and current through December 14, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Fennimore, Wisconsin 53809-2020.

2. On September 1, 2020, the Department received a complaint alleging that Respondent Freymiller was attempting to cancel an accepted contract unilaterally. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 REB 074 for investigation.

3. On August 13, 2020, Respondent's firm, Tim Slack Auction & Realty LLC (TSAR) entered into a listing contract with a seller for the sale of agricultural land in Ellenboro, Wisconsin.

4. On August 16, 2020, a buyer (“Buyer #1”) submitted an offer to purchase the property for \$150,000 and provided a check for \$10,000 as earnest money.
5. On August 17, 2020, Respondent drafted a counter-offer on behalf of the seller.
6. The counter-offer provided that the property would be surveyed to determine the total acreage and the purchase price would be \$5,000 per acre. In addition, the counter-offer stated, “Seller is entertaining other offers, final decision will be made on or before August 24, 2020.”
7. Buyer #1 accepted the counter-offer on August 18, 2020.
8. On August 23, 2020, a second buyer submitted an offer to purchase the property, offering \$155,000. Respondent presented the second offer to the seller on August 24, 2020 and the seller accepted.
9. On August 24, 2020, Respondent sent Buyer #1 a WB-41 Notice Relating to Offer to Purchase form that stated, “Offer is rejected.”
10. On August 25, 2020, TSAR returned the earnest money to Buyer #1.
11. On October 6, 2020, the transaction with the second buyer closed.
12. On March 17, 2021, Respondent told a Department investigator that he had drafted the counter-offer to Buyer #1 based on the wishes of the seller.
13. On March 24, 2021, the sellers of the property at issue told a Department investigator that they did not officially accept the offer from Buyer #1. They stated that they told Respondent to extend the opportunity for further offers to be made through August 24, 2020.
14. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 16.06(8) by failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual instruction of his client.
3. 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 sub. (4m)(a).
4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 452.14(3)(i) and (L).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Rodney A. Freymiller is REPRIMANDED.
3. Respondent Rodney A. Freymiller's real estate broker license (no. 34201-90) 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 forms and one course on the topic of contracts from a provider pre-approved by the Board or its designee, 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 Rodney A. Freymiller shall pay the COSTS of this matter in the amount of \$732.
5. All submissions, including 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Submissions may also be made online at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (number 34201-90), 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: Thomas J. Ralvic
A Member of the Board

4/13/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RODNEY A. FREYMILLER,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008494

Division of Legal Services and Compliance Case No. 20 REB 074

Respondent Rodney A. Freymiller 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 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.

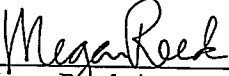
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Rodney A. Freymiller, Respondent
Fennimore, WI 53809-2020
Credential No. 34201-90

03-24-2023
Date



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

03/24/2023
Date