

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
ANTHONY GIGLIO AND	:	
LISTWITHFREEDOM.COM	:	
	:	ORDER0008962
RESPONDENTS.	:	

Division of Legal Services and Compliance Case No. 21 REB 127 and 22 REB 017

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

Anthony Giglio
Cincinnati, OH 54244

ListWithFreedom.com
Boynton Beach, FL 33437

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 Anthony Giglio (Birth Year 1966) is licensed by the State of Wisconsin as a real estate broker, having license number 59022-90, first issued on January 8, 2021 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 Cincinnati, Ohio 45244.

2. Respondent ListWithFreedom.com is licensed by the State of Wisconsin as a real estate business entity, having license number 938796-91, first issued on March 15, 2021 and

current through December 14, 2024. Respondent's most recent address on file with the Department is in Boynton Beach, Florida 33437.

3. Respondent Anthony Giglio is identified in Department records as the responsible licensee in charge of Respondent ListWithFreedom.com.

4. Between January 1, 2021 and August 1, 2023, Respondents had over 400 listings in the Wisconsin MLS, and had completed more than 250 sales.

5. To demonstrate their intent to be in compliance with state law, Respondents voluntarily stopped taking any real estate listings in Wisconsin as of August 1, 2023.

21 REB 127

6. In October 2021, Respondents Giglio and ListWithFreedom.com listed a property for sale in Kronenwetter, Wisconsin.

7. On December 1, 2021, the Department received a complaint from another real estate licensee alleging that Respondents did not perform a sufficient inspection of a property before listing it for sale.

8. No errors or inaccuracies in the listing were alleged by the property owner nor any other consumer.

9. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 REB 127 for investigation. On December 2, 2021, the Department contacted Respondents to request a response to the complaint.

10. On December 9, 2021, Respondent Giglio acknowledged that Respondents did not physically inspect the subject property prior to listing it, and instead relied on photographs taken by the sellers.

22 REB 017

11. In February 2022, Respondents Giglio and ListWithFreedom.com listed a property for sale in Menomonee Falls, Wisconsin.

12. On February 10, 2022, the Department received a complaint alleging that the listing contained inaccurate information. The DLSC subsequently opened Case Number 22 REB 017 for investigation. The MLS listing for the subject property incorrectly stated that the property had four bedrooms, but the property only had three bedrooms.

13. On February 14, 2022, the Department contacted Respondents to request a response to the complaint.

14. On February 21, 2022, Respondent Giglio acknowledged that Respondents had incorrectly stated the number of bedrooms in the MLS listing, and acknowledged that Respondents had not physically inspected the property prior to listing it. They instead relied on pictures taken by the sellers.

15. In resolution of this matter, Respondents consent 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, both Respondents violated Wis. Admin. Code § REEB 24.07(1)(a) by failing to conduct a reasonably competent and diligent inspection of the property.

3. By the conduct described in the Findings of Fact, Respondent ListWithFreedom.com violated Wis. Stat. 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care.

4. By the conduct described in the Findings of Fact, Respondent Anthony Giglio violated Wis. Stat. 452.133(1)(b) by failing to provide brokerage services with reasonable skill and care pursuant to sub. (4m)(a).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Anthony Giglio's real estate broker license (no. 59022-90) is hereby SUSPENDED for thirty (30) calendar days to begin on the date of this Order.

3. Respondent ListWithFreedom.com's real estate business entity license (no. 938796-91) is hereby SUSPENDED for thirty (30) calendar days to begin on the date of this Order.

4. Within ninety (90) days from the date of this Order, Respondent Anthony Giglio shall pay a FORFEITURE in the amount of \$1,000, and one-half of the COSTS of this matter in the amount of \$474, for a total of \$1,474.

5. Within ninety (90) days from the date of this Order, Respondent ListWithFreedom.com shall pay one-half of the COSTS of this matter, for a total of \$474.

6. Respondents Anthony Giglio and Listwithfreedom.com's licenses are also LIMITED as follows:

Preliminary Documentation

Respondents are to provide a brief statement, satisfactory to the Board or its designee, describing how Respondents will comply with the requirement in Wis.

Admin. Code § REEB 24.07(5) to provide the pre-listing inspection report to all parties to the transaction in a timely manner.

Quarterly Reports

- a. Respondents intend to use the “Showami” application program (app) to source Wisconsin real estate licensees to perform the pre-listing inspections required under Wis. Admin. Code § REEB 24.07.
- b. Respondents shall submit to the Department within ninety (90) days of the completion of the suspensions referenced in paragraphs 2. and 3., and quarterly thereafter for a period totaling (2) years, a roster of each new listing agreement the Respondents have entered into since the last report. The Board or its designee will randomly select three (3) listings from the roster.
- c. For each of the three (3) listings selected, Respondents shall provide a copy of the completed pre-listing inspection report required under Wis. Admin. Code § REEB 24.07 for that listing. The Board or its designee will then confirm that the following statements regarding the report document are true:
 - i. It is substantively consistent with the template Agent Visual Inspection Disclosure (AVID) form attached to this Order.
 - ii. If the inspection was conducted by a Wisconsin licensed salesperson, the report document includes a completed, signed, attestation from the salesperson inspector that they performed the inspection with the permission of their broker, and that any payment for the service provided is paid from Showami to their brokerage, and not directly to the salesperson. The report document also includes the signature of the salesperson inspector’s supervising broker, indicating that they are aware of and approve of the salesperson engaging in inspection activity on behalf of ListWithFreedom.com.
 - iii. The report document is completed in its entirety.
- d. After a period of one (1) year of successful compliance with this Order Respondents may petition the Board to modify or remove this limitation.
- e. The Board may grant or deny any such petition, in its discretion, or may modify this Order as it sees fit. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondents shall not have a right to any further hearings or proceedings on the denial.

7. All submissions, including quarterly reports and supporting documentation as referenced in paragraph 6., and payment of forfeiture and 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

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

8. Should Respondent Giglio's association with Respondent ListWithFreedom.com terminate at any point while this Order remains in effect, each Respondent remains separately responsible for their own compliance with all terms of this Order.

9. Until such time as the Respondents have fully complied with the terms of this Order and all limitations have been lifted, in the event Respondents violate any term of this Order, Respondents' credentials (numbers 59022-90 and 938796-91), 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.

10. The Board agrees that this Order constitutes disciplinary action for any and all instances of failure by Respondents to complete the pre-listing inspection required under ch. REEB 24 between January 1, 2021 and the date of this Order. This paragraph in no way limits the Board's ability to take disciplinary action for other unrelated misconduct or violations of state law that may have been committed by Respondents during the time period noted above, nor any misconduct or violation of state law that may be committed after the date of this Order.

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

WISCONSIN REAL ESTATE EXAMINING BOARD

by: Thomas J. Rubie
A Member of the Board

2/1/24
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ANTHONY GIGLIO AND	:	
LISTWITHFREEDOM.COM	:	
	:	ORDER0008962
RESPONDENTS.	:	

Division of Legal Services and Compliance Case No. 21 REB 127 and 22 REB 017

Respondents Anthony Giglio and ListWithFreedom.com, 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 Mark A. Cullen, Corporate Counsel.

4. Respondents agree 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. 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.



Anthony Giglio, Respondent
Cincinnati, OH 54244
Credential No. 59022-90

2024 / 01 / 09

Date



ListWithFreedom.com, Respondent
By: Ralph M. Harvey, Owner
Boynton Beach, FL 33437
Credential No. 938796-91

2024 / 01 / 12

Date



Mark A. Cullen, Corporate Counsel
West Palm Beach, FL 33401

2024 / 01 / 09

Date



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

2024 / 01 / 09

Date