



STATE OF WISCONSIN
Department of Safety and Professional Services
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Council on Real Estate Curriculum and Examinations
Room 121C, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin, 608-266-2112
April 9, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

MEETING
10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes – June 21, 2012 (3-4)**
- C. Administrative Updates
- D. 2015-2016 Real Estate Sales/Broker Continuing Education Curriculum - Discuss and Review (5-8)**
- E. Legislative/Administrative Rule Matters – Discussion and Consideration (9-10)**
 - 1) Chs. REEB 12 and 25 – Proposed Rule Drafts ()
 - 2) Review Legislation ()
- F. Next Meeting Date:

ADJOURNMENT

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**COUNCIL ON REAL ESTATE
CURRICULUM AND EXAMINATION
MEETING MINUTES
JUNE 21, 2012**

Present: Patricia Tasker, Melvin Check, Anne Blood, Bob Blakey, Kathyne Kuhl and Marie Hetzer

Not Present: Shawna Alt and Linda LeCoultre

Staff: Mojgan Hall, Executive Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Guests: Cori Lamont and Jennifer Lindsey

Marie Hetzer, Council Chair, called the meeting to order at 10:10 a.m. A quorum of 5 members was confirmed.

(Patricia Tasker arrived at 10:11 a.m.)

ADOPTION OF AGENDA

MOTION: Kathyne Kuhl moved, seconded by Ann Blood, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections

- Revise spelling of Bob Blakey to remove the second “l”

MOTION: Melvin Check moved, seconded by Anne Blood, to approve the minutes of May 8, 2012 as corrected. Motion carried unanimously.

The Board asked that the minutes clarify that the Motions shown under Board Discussion were relative to Broker pre-licensure. Motion carried unanimously.

BOARD DISCUSSION

EDUCATION AND EXAMINATION MATTERS

MOTION: Kathyne Kuhl moved, seconded by Anne Blood, to recommend to the REEB adopt the proposed pre-license curriculum for salespersons as reflected in the minutes of today’s meeting. Motion carried unanimously.

MOTION: Melvin Check moved, seconded by Kathyne Kuhl, to recommend to the REEB adoption of the proposed 2013-2014 continuing education curriculum as reflected in the minutes of today’s meeting. Motion carried unanimously.

ADJOURNMENT

MOTION: Melvin Check moved, seconded by Anne Blood, to adjourn the meeting at 1:47 p.m. Motion carried unanimously.

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**State of Wisconsin
Department of Safety and Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Peter Schramm, CE Specialist		2) Date When Request Submitted: 3/28/2014
Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before meeting for all others 		
3) Name of Board, Committee, Council, Section: Real Estate Curriculum and Exams Council		
4) Meeting Date: 4/9/2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2015-2016 Real Estate Sales/Broker Continuing Education Curriculum
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Discuss establishment of Real Estate Sales/Broker continuing education curriculum for the 2015-2016 biennium; current curriculum for the 2013-2014 biennium is attached for reference.		
11) Authorization		
Peter Schramm		3/28/14
Signature of person making this request		Date
Jill M. Remy		3/28/2014
Supervisor (if required)		Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.		

M ANDATORY

Course 1 Wisconsin Listings

- Delivery (including e-mail and Wisconsin e-commerce and Federal E-Sign Law)
- Protected buyers/extension of listing
- Marketing
- Fair Housing (Wisconsin and Federal)
- Lead based paint (Wisconsin – Wis. Stat. § 254; § DHS 163 and Federal – Title X)
- Real Estate Condition Report – Wis. Stat. § 709
- Agency – Broker Disclosure to Client Wis. Stat. § 452.135 (2)
- Termination
- Signatures
 - Wis. Stat. § 240.10
 - Authority to sign when listing a decedent's estate
- Listings for lease
 - WB-37 Residential Exclusive Right to Lease or Rent Real Property (proposed revised title)
- Types of listings
 - Exclusive right to sell – § REEB 16.02(3)
 - Exclusive agency – § REEB 16.02(2)
 - One-party
 - Open – § REEB 16.02(4)
 - Limited service – Wis. Stat. § 452.133(6)
 - Net § REEB 24.10
- Listings using non-approved forms
 - e.g. Attorney drafted, consumer drafted, bank-owned (REO) drafted, another state's approved or commonly used listing in that state
 - Broker disclosure to client required
- Open houses & showing responsibilities
- Sherman Antitrust Act
- WB-42 Amendment to the Listing Contract

Course 2 Wisconsin Offers

- Disclosure by licensees
 - Required disclosures
 - Not obligated to disclose - Wis. Stats. § §452.23; 452.24
- Acceptance v. binding acceptance
- Delivery (including Wisconsin e-commerce and Federal E-Sign Law)
- Properly incorporating addenda
- Financing contingency
- Appraisal contingency
- WB-45 Cancellation Agreement and Mutual Release
- Real estate condition reports – Wis. Stat. § 709
- Signatures
 - Authority to sign
 - Authority to sign when selling a decedent's real estate
- Real Estate Settlement Procedures Act

Course 3 Wisconsin New Developments

- Revisions to Wisconsin Statutes relating to real estate
- Revisions to Wisconsin Administrative rules relating to real estate
- All other relevant revisions to Wisconsin forms, Administrative Rules and Statutes
- Proposed Revisions to Wisconsin licensing laws

Course 4 Contingencies in Wisconsin Approved Offer Forms

- Drafting enforceable contingencies
- Other relevant contingencies (e.g. testing)
- Competency when drafting contingencies
- Inspection contingency
- Closing of buyers property contingency
- Secondary offer

ELECTIVES

Elective A: Bank-owned (REO), Foreclosures and Short Sales Transactions in Wisconsin

- "As-is"
- Short sale v. foreclosure v. REO
- Use of non-approved listing contracts
- Use of addenda in REO
- Use of addenda in short sales
- Working with buyers purchasing REO, foreclosure, and short sale properties
- Signatures with REO, foreclosure, and short sale properties
- Judicial foreclosure in Wisconsin – Wis. Stat. § 846

Elective B: Unique Transaction Types and Issues

- WB-24 Option to Purchase
- Lease with option
- Land contracts
- Secure and Fair Enforcement Act (SAFE Act)
- Rights of first refusal
- Use of State Bar forms § REEB 16.03(1)(a)
- Competency § REEB 24.03
- Relocation companies

Elective C: Wisconsin Property Management

- Role of the licensee
- Forms
 - o WB-37 Residential Exclusive Right to Lease or Rent Real Property (proposed revised title)
 - o Lease
- Laws
 - o Residential rental practices - ATCP 134
 - o Landlord and tenant - Wis. Stat. 704
 - o Fair housing - Wisconsin and Federal
 - o Carbon monoxide detectors – Wis. Stat. § 101.647; § SPS 328.04
 - o Smoke detectors – § SPS 328.03
 - o Rental weatherization – §SPS 367
- Security deposit – see § REEB 16
 - Licensee owned properties
 - Managed properties

Elective D: Agency Roles with Buyers in Wisconsin

- Pre-agency – Wis. Stats. § § 452.133(5); 452.134(1)
- Client - Wis. Stat. § 452.01(3m)
- Customer – Wis. Stat. § 452.01(3s)
- Duties of Broker – Wis. Stats. § § 452.133(1) – (3)
- Agency Disclosure Duties- Wis. Stat. § 452.135
- Subagency – Wis. Stats. § 452.01(7r); § 452.133(4)
- Agency Relationships – Wis. Stat. § 4 52.134
 - o Designated agency (defined in Wis. Stat. § 452.01(3w))
 - o Multiple representation without designated agency – Wis. Stat. § 452.134(4)
 - o Rejection of multiple representation relationships
- Broker providing services to more than one client in a transaction – Wis. Stat. § 452.137
- Broker providing services in more than one transaction – Wis. Stat. § 4 52.138
- WB-36 Buyer Agency/Tenant Representation Agreement
- Agency roles in relocation company transactions

Designation courses that apply to continuing education

- o Approval shall be given to designation courses recognized by the National Association of Realtors and may be given to designation courses offered by other entities as approved by the Real Estate Examining Board.
 - 6 hours is permitted for approval, thus requiring all licensees to complete the four mandatory courses.
 - Providers may receive 3 credit hours at a time, as long as there is an examination consisting of 15 test questions for each 3 hour time frame.
 - A designation course may receive up to 6 hours of CE credits fulfilling elective courses only:
 - 3 hours, 1 elective is fulfilled
 - 6 hours, 2 electives are fulfilled
 - *Both licensed brokers and salespersons are permitted to fulfill CE course credit in this manner.*
 - *To receive credit for a course, providers must submit courses for approval each biennium*

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jean MacCubbin, Administrative Rules Coordinator		2) Date When Request Submitted: <p style="text-align: center;">20140402</p> <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 																					
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board-Subcomm. Curr & Exam																							
4) Meeting Date: 20140409	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? LEG_ADMIN MATTERS 1. Discuss and Consider Proposed Rule Draft Chs. REEB 12 & 25 2. Verbal Status on Legislation																					
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10) Describe the issue and action that should be addressed: 1. Discuss and Consider Proposed Rule Draft chs. REEB 12 & 25 First moved, seconded by Second, to approve the revisions/creation of chs. REEB 12 & 25 relating to Eudcation and Curriculum for submittal to the full Board at a future meeting. Motion carried unanimously. 2. Verbal Status on Legislation																							
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">11)</td> <td style="width: 20%; text-align: center;">Authorization</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>Jean MacCubbin</td> <td></td> <td style="text-align: center;">20140402</td> <td></td> </tr> <tr> <td>Signature of person making this request</td> <td></td> <td style="text-align: center;">Date</td> <td></td> </tr> <tr> <td>Supervisor (if required)</td> <td></td> <td style="text-align: center;">Date</td> <td></td> </tr> <tr> <td>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td></td> <td style="text-align: center;">Date</td> <td></td> </tr> </table>				11)	Authorization			Jean MacCubbin		20140402		Signature of person making this request		Date		Supervisor (if required)		Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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