



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
1400 E Washington Ave.  
Madison WI 53703

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**Governor Scott Walker      Secretary Dave Ross**

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

**Real Estate Examining Board**  
**Room 121C, 1400 E. Washington Avenue, Madison**  
**Contact: Sandy Nowack \* 608-266-2112**  
**May 10, 2012**

*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.*

**SCREENING PANEL**  
**8:00 a.m.**

1. Call Open Session to Order
2. Convene To Closed Session to consider discipline (s. 19.85(1)(B), Stats., and to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.
  - a. Screen complaints received from the public against credential holders. The panel consists of 2 Board members and Department Staff.
3. Reconvene to Open Session
4. Vote on Items Considered or Deliberated Upon In Closed Session
5. Adjournment

**FULL BOARD MEETING**  
**10:00 a.m.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes – February 16, 2012 (5-8)**
- C. Secretary Matters
- D. Executive Director Matters
- E. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Enforcement including any received after printing of the agenda**
  - 1) 09 REB 145 – Robert Sommers (15-22)
    - a) Attorney: Heather Curnutt
    - b) Case Advisor: Marie Hetzer
  - 2) 10 RREB 050 – Harvey Goldstein (23-30)
    - a) Attorney: Sarah Norberg
    - b) Case Advisor: Stephen Beers
  - 3) 10 REB 124 – Patrick L. Tinker (31-38)
    - a) Attorney: Laura Varriale
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- 4) 11 REB 056 – Daniel R. Kersten and Northern Business Group, Inc. (39-46)
  - a) Attorney: Susan Gu
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- 5) 11 REB 062 – Daniel W. Pope (47-52)
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- 8) 11 REB 108 – Stephen Bodenschatz and Pinewood Realty Inc. (67-74)
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**F. Board Discussion Items including any received after printing of agenda**

- 1) **Division of Enforcement Matters**
  - a. Discussion and Action on the Internal Protocol Regarding Late Additions to Agendas (9-10)
- 2) Education and Examination Matters
- 3) **Credentialing Matters**
  - a. Discussion Regarding Reciprocity with Other States
- 4) Practice Question Matters
- 5) **Legislation/Administrative Rule Matters** (11-14)
  - a. 2011 WI Act 146
  - b. Review Scope Statements
    - i. REEB 15
    - ii. REEB 16
    - iii. REEB 18
- 6) Liaison/Committee Reports
- 7) Speaking Engagement, Travel, Public Relation Requests

G. Informational Items

H. New Business

I. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

**J. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after printing of the agenda**

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**K. Deliberation of other items including any received after printing of agenda**

**1) Case Closings**

- a) 09 REB 126 (75-82)
- b) 09 REB 135 (83-86)
- c) 11 REB 069 (87-90)
- d) 11 REB 090 (91-94)
- e) 11 REB 096 (95-98)
- f) 11 REB 098 (99-104)

- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints

**7) Administrative Warnings**

- a) 10 REB 124 (105-106)
- b) 11 REB 045 (107-108)
- c) 11 REB 080-1 (109-110)
- d) 11 REB 080-2 (111-112)
- e) 11 REB 088 (113-114)
- f) 11 REB 092 (115-116)

**8) Matters Relating to Costs**

- a) 08 REB 107 – Randall Krysinski (117-130)

**9) Monitoring Cases**

- a) Linda Schroeder – Requesting Full Reinstatement of Real Estate Salesperson Credential (131-140)

- 10) Appearances from Requests Received or Renewed
- 11) Examination Matters
- 12) Application Matters
- 13) Professional Assistance Program Cases
- 14) Motions

L. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Other Board Business

O. Next Meeting Date: August 16, 2012

**ADJOURNMENT**

**REAL ESTATE EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 28, 2012**

Present: Mike Mulleady, Tammy Wagner, Marie Hetzer, Stephen Beers, Randy Savaglio Dennis Pierce

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

Guests: Cori Lamont, Wisconsin Realtors Association and Anne Blood, MATC Madison

Stephen Beers, Board Chair, called the meeting to order at 10:05 a.m. A quorum of 6 members was confirmed.

**ADOPTION OF AGENDA**

**Amendments**

- Add Item F(6)(c) Discussion/Action Regarding Council on Real Estate Curriculum and Examinations

**MOTION:** Mike Mulleady moved, seconded by Dennis Pierce, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to approve the minutes of November 16, 2011 and December 7, 2011 as published. Motion carried unanimously.

**EXECUTIVE DIRECTOR MATTERS**

Denise Aviles called for elections.

**NOMINATION:** Marie Hetzer nominated the current slate of officers for the 2012.

**MOTION:** Marie Hetzer moved, seconded by Dennis Pierce, to close nominations and cast a unanimous ballot for the current slate of officers. Motion carried unanimously.

The Board discussed the Board appointments. The screening panel will consist of two member teams (Team 1 - Marie Hetzer and Mike Mulleady, Team 2 - Randy Savaglio and Tammy Wagner and Team 3 - Dennis Pierce and Stephen Beers. The teams will rotate screening panel reviews beginning with the next screening panel. The remaining Board appointments will remain the same. Denise Aviles conducted the annual policy review. She specifically reviewed the new Ethics for Board Members section of the Board member handbook. She asked members to submit the signed signature page to the department. She reminded the Board that the Department will not be publishing a regulatory digest for the Real Estate Examining Board this year.

**BOARD DISCUSSION**

1. **DIVISION OF ENFORCEMENT MATTERS**
  - a. **Discussion Regarding Violations and Forfeiture Authority Changes in Discipline Process**  
The Board reviewed the process and looked to DOE for the historical data relative to discipline.
2. **EDUCATION AND EXAMINATION MATTERS**
  - a. **Discussion Regarding Continuing Education Requirements**  
Stephen Beers noted that the Board will begin to review Continuing Education (CE) requirements in July and August so that the providers will know what the CE criteria will be.

### 3. CREDENTIALING MATTERS

#### a. Discussion Regarding Broker License Requirements

Yolanda McGowan indicated that the legislation is pending. She noted that the bill will require rule-writing and that a delayed effective date would allow the Board to get the mechanisms in place to effectuate the legislation.

#### b. Clarification of REEB 25.025

Yolanda McGowan will work with Credentialing to clarify REEB 25.025 on the application form.

#### c. Discussion Regarding Reciprocity with Other States

**MOTION:** Randy Savaglio moved, seconded by Dennis Pierce, to authorize Stephen Beers to enter into possible negotiations with Illinois regarding a revised reciprocal agreement. Motion carried unanimously.

### 4. LEGISLATION/ADMINISTRATIVE RULE MATTERS

#### a. Discussion Regarding REEB 15, 16 and 18

These rule revisions have been tabled.

#### b. Conditional Adoption of Proposed Rule-Making REEB 24, 25 Brokers Practice and Education

**MOTION:** Marie Hetzer moved, seconded by Mike Mulleady, to conditionally adopt REEB 24/25 contingent upon no action being taken by the JCRAR during its passive review period and further to authorize Department staff to sign the order on behalf of the Board. Motion carried unanimously.

#### c. Discussion/Action Regarding Council on Real Estate Curriculum and Examinations

**MOTION:** Mike Mulleady moved, seconded by Marie Hetzer, to add Anne Blood to the Council on Real Estate Curriculum and Education.

### 5. LIAISON/COMMITTEE REPORTS

#### a. Review and Consider the Process for Updating and Approving Real Estate Forms

#### b. Review and Approve WB-15

Yolanda McGowan noted that the Forms Committee has approved the WB-15 as to substance.

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to approve the WB-15 and authorize publication of the new forms.

### INFORMATIONAL ITEMS

Yolanda McGowan informed the Board of changes proposed by the Cemetery Board that would remove the Cemetery salespersons from the Real Estate Sales Person licensure requirement.

### CONVENE INTO CLOSED SESSION

**MOTION:** Mike Mulleady moved, seconded by Marie Hetzer, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Stephen Beers - yes; Mike Mulleady - yes; Marie Hetzer - yes; Randy Savaglio - yes; Tammy Wagner – yes; Dennis Pierce, - Yes. Motion carried unanimously. Open session recessed at 11:40 a.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to reconvene in open session at 12:44 p.m. Motion carried unanimously.

### VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

#### PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOTION:** Randy Savaglio moved, seconded by Marie Hetzer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 REB 135 – Bradley A. Will, 08 REB 135 – Martin E. Karl, 09 REB 091 – Robert W. Janke and Janke Premiere Properties, LLC, 10 REB 002 – Pavels Cernomordijs and Power Realty Group, Inc. , 10 REB 023 – Gordon A. Weiss and Weiss Realty, LLC, 10 REB 114 – James B. Haldeman and Re/Max Homes and Hills Realty, LLC, and 11 REB 022 – Gregory A. Rice and Executive Management, Inc. Motion carried unanimously.

#### CASE CLOSINGS

**MOTION:** Dennis Pierce moved, seconded by Mike Mulleady, to close the following cases according to the recommendations by the Division of Enforcement:

- |                 |                  |
|-----------------|------------------|
| i. 08 REB 135   | vii. 10 REB 113  |
| ii. 09 REB 104  | viii. 10 REB 116 |
| iii. 09 REB 128 | ix. 10 REB 137   |
| iv. 09 REB 134  | x. 11 REB 059    |
| v. 09 REB 155   | xi. 11 REB 071   |
| vi. 10 REB 087  | xii. 11 REB 073  |

Motion carried unanimously.

#### PROPOSED DECISIONS

**MOTION:** Randy Savaglio moved, seconded by Dennis Pierce, to adopt the Proposed Decision, in the matter of 08 REB 107 – Randall Krysinski and Market Masters Realty, LLC. Motion carried unanimously.

#### ADMINISTRATIVE WARNINGS

**MOTION:** Randy Savaglio moved, seconded by Dennis Pierce, to issue the Administrative Warnings in the matters of 09 REB 155, 10 REB 068, 10 REB 077, 10 REB 116 and 11 REB 059. Motion carried unanimously.

#### ADJOURNMENT

**MOTION:** Tammy Wagner moved, seconded by Randy Savaglio, to adjourn the meeting at 12:47 p.m. Motion carried unanimously.

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**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION and LICENSING  
DIVISION OF ENFORCEMENT**

**POLICY/PROCEDURE**

Subject: **DOE Post Agenda Deadline Policy**  
Section: **40.0 (Version 1)** Effective Date: **January 31, 2012**

Authorized by Division Administrator or Designee:  
**Chad Koplien, Division Administrator**

**INTENT OF POLICY:** The intent of this policy is to streamline the process for submitting agenda items to the Division of Board Services that are ready for Board action after the posted agenda item deadline has passed.

**POLICY/PROCEDURE:**

1. If the agenda has not been finalized, the Bureau Assistant will add the item to the agenda. The staff member submitting the request should place the agenda item in the appropriate L: Drive folder.
2. If the agenda has been finalized, the Executive Director will contact the Board Chair, if required, for approval to add the item to the agenda.
  - If the Board Chair approves, the staff member submitting the request should place the agenda item into the appropriate L: Drive folder.
  - If it is denied, the staff member submitting the request should place the agenda item into the next meeting agenda folder on the L: Drive.
3. DOE staff will submit only the following types of cases to Board Services after the agenda deadline:
  - Risk of immediate harm to the public and/or severe discipline sought (limitations, revocations, suspensions, surrenders, etc);
  - Statutory or Board Order deadlines;
  - Impairments;
  - Infrequent Board Meetings (next board meeting is longer than 60 days away);
  - The complaint was received more than 18 months before the next board meeting;
  - Items requested to be added to the agenda by a member of the Board; and
  - Other items that, in the discretion of the division administrators of Board Services and Enforcement, warrant immediate board attention.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Denise Aviles Executive Director		<b>2) Date When Request Submitted:</b>  3/12/2012  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b> Real Estate Examining Board			
<b>4) Meeting Date:</b> May 10, 2012	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislative/Admin Rule Matters: Discussion and Action related to 2011 Senate Bill 453 related to General Department Responsibilities and changes to Wis. Stat. § 440.91 (8)	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b>  <input type="checkbox"/> Yes by _____ (name)  <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> n/a	
<b>10) Describe the issue and action that should be addressed:</b> Review, discuss and take any action deemed appropriate.			
<b>11) Authorization</b>			
Denise Aviles		3/12/12	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Business & Design Professions Bureau-  
Relevant Sections of 2011 SB 453

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2011 - 2012 LEGISLATURE

**2011 SENATE BILL 453**

February 9, 2012 - Introduced by Senator LEIBHAM, cosponsored by Representative RIVARD. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

*Analysis by the Legislative Reference Bureau*

**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

This bill makes various changes to the authority and responsibilities of the Department of Safety and Professional Services (DSPS).

**OCCUPATIONAL REGULATION**

1.) [GENERAL] Under current law, DSPS may not issue or renew certain licenses that are specifically referred to in the statutes to applicants who are delinquent in family or child support payments or in payment of state taxes. This bill expands the scope of the types of licenses for which issuance or renewal must be denied due to support or tax delinquency to include all of the occupational and professional licenses issued by DSPS.

Under current law, DSPS may conduct investigations, hold hearings, and make findings to determine whether a person has engaged in a practice or used a professional title without a required credential. If, after holding a hearing, DSPS determines that the person does not have the appropriate credential, DSPS may issue a special order prohibiting the person from continuing the practice or using the title. DSPS may issue a temporary restraining order in lieu of holding a hearing if DSPS has reason to believe that the person has engaged in a practice or used a title without a required credential. If a person against whom a special order has been issued violates that order, the person is subject to forfeitures. If a person against whom a temporary restraining order has been issued violates that order, the person is subject to fines or imprisonment or both.

This bill clarifies that the authority granted to DSPS to impose fines or forfeitures against or imprison a person who has engaged in a practice or used a title without holding the appropriate credential is separate from and in addition to the authority granted to the various boards to enforce the laws and regulations applicable to the professions regulated by those boards.

Currently, DSPS requires by rule that a person who holds a credential issued by DSPS send a notice to DSPS within 48 hours of his or her conviction of a crime.

This bill places that requirement in the statutes.

## Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

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2.) Under a provision of current law, certain statutory requirements regarding **real estate practice** are applied to cemetery salespersons. This bill clarifies that those statutory requirements also apply to cemetery authorities. In addition, some of those statutory requirements regarding real estate practice, such as the disciplinary procedures for real estate brokers and salespersons, are incorrectly applied to cemetery salespersons. This bill corrects those errors.

Current law refers to the requirements that a person must satisfy to be licensed by the Cemetery Board to sell cemetery lots. The use of the word "person" has created some confusion because the Cemetery Board issues licenses only to individuals, not to cemetery authorities. This bill replaces "person" with "individual" to comply with current practice.

**SECTION 154.** 440.03 (13) (am) of the statutes is created to read:

440.03 (13) (am) A person holding a credential under chs. 440 to 480 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.

**SECTION 155.** 440.19 of the statutes is created to read:

**440.19 Voluntary surrender of license, permit, or certificate.** A person who holds a license, permit, or certificate of certification or registration issued under chs. 440 to 480 may voluntarily surrender that license, permit, or certificate of certification or registration. The department, examining board, affiliated credentialing board, or board of the department that issued the license, permit, or certificate of certification or registration may refuse to accept that surrender if a complaint has been filed or disciplinary proceeding has been commenced against the person under s. 440.20.

**SECTION 156.** 440.21 (4) (a) of the statutes is amended to read:

440.21 (4) (a) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.

**SECTION 157.** 440.21 (4) (b) of the statutes is amended to read:

440.21 (4) (b) Any Notwithstanding any other provision of chs. 440 to 480 relating to fines, forfeitures, or imprisonment, any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.

**SECTION 158.** 440.26 (2) (c) 5. of the statutes is created to read:

## Business & Design Professions Bureau- Relevant Sections of 2011 SB 453

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440.26 (2) (c) 5. The department may, based on rules adopted by the department, refuse to issue a license under this section to an individual who has committed any of the acts described in sub. (6) (a) 1. to 5.

**SECTION 164.** 440.91 (8) of the statutes is amended to read:

440.91 (8) Sections 452.13, ~~452.14~~, 452.15, ~~452.18~~, 452.21 and 452.22, as they apply to real estate brokers or salespersons, apply with equal effect to cemetery authorities and salespersons.

**SECTION 241. Effective dates.** This act takes effect on the 30th day after the day of publication, except as follows:

(1) SECTION 239 of this act takes effect on the day after publication.

(END)



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
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Madison WI 53703

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**Governor Scott Walker      Secretary Dave Ross**

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

**REVISED**  
**Real Estate Examining Board**  
**Room 121C, 1400 E. Washington Avenue, Madison**  
**Contact: Mojgan Hall \* 608-266-2112**  
**May 10, 2012**

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  - a. Discussion and Action on the Internal Protocol Regarding Late Additions to Agendas – *Appearance: 10:20 DOE staff* (9-10)
- 2) **Education and Examination Matters**
  - a. *Discussion and Action Relative to Broker Exam*
    - i. *Appearance: 10:30 – Exam Staff*
    - b. *Discuss and Approve Revised Broker Curriculum*
- 3) **Credentialing Matters**
  - a. Discussion Regarding Reciprocity with Other States
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**K. Deliberation of other items including any received after printing of agenda**

- 1) Case Closings**
  - a) 09 REB 126 (75-82)
  - b) 09 REB 135 (83-86)
  - c) 11 REB 069 (87-90)
  - d) 11 REB 090 (91-94)
  - e) 11 REB 096 (95-98)
  - f) 11 REB 098 (99-104)
- 2) Case Status Report
- 3) Proposed Decisions
- 4) Summary Suspensions
- 5) Objections and Responses to Objections
- 6) Complaints
- 7) Administrative Warnings**
  - a) 10 REB 124 (105-106)
  - b) 11 REB 045 (107-108)
  - c) 11 REB 080-1 (109-110)
  - d) 11 REB 080-2 (111-112)
  - e) 11 REB 088 (113-114)
  - f) 11 REB 092 (115-116)
- 8) Matters Relating to Costs**
  - a) 08 REB 107 – Randall Krysinski (117-130)
- 9) Monitoring Cases**
  - a) Linda Schroeder – Requesting Full Reinstatement of Real Estate Salesperson Credential (131-140)
- 10) Appearances from Requests Received or Renewed
- 11) Examination Matters
- 12) Application Matters
- 13) Professional Assistance Program Cases
- 14) Motions

**L. Consulting with Legal Counsel**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Other Board Business

O. Next Meeting Date: August 16, 2012

**ADJOURNMENT**

**STATE OF WISCONSIN  
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**POLICY/PROCEDURE**

Subject: **REEB Post Agenda Deadline Policy**

**INTENT OF POLICY:** The intent of this policy is to streamline the process for submitting agenda items for the REEB Board to the Division of Board Services that are ready for Board action after the posted agenda item deadline has passed.

**POLICY/PROCEDURE:**

1. If the agenda has not been finalized, the Bureau Assistant will add the item to the agenda. The staff member submitting the request should place the agenda item in the appropriate L: Drive folder.
2. If the agenda has been finalized, the Executive Director will contact the Board Chair, if required, for approval to add the item to the agenda.
  - If the Board Chair approves, the staff member submitting the request should place the agenda item into the appropriate L: Drive folder and alert the Executive Director and Bureau Assistant when this is done.
  - If it is denied, the staff member submitting the request should place the agenda item into the next meeting agenda folder on the L: Drive.
3. DOE staff will submit only the following types of REEB cases to Board Services after the agenda deadline:
  - Risk of immediate harm to the public and/or severe discipline sought (limitations, revocations, suspensions, surrenders, etc);
  - Statutory or Board Order deadlines;
  - Impairments;
  - Infrequent Board Meetings (next board meeting is longer than 90 days away);
  - The complaint was received more than 18 months before the next board meeting;
  - Other items that, in the discretion of the division administrators of Board Services and Enforcement, warrant immediate board attention.

**Special Note:** With the exception of bullet points 1-3, a minimum of 5 business days notice is expected.

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## I. Contracts

- a. Definition of a contract
  - i. Contract versus agreement
- b. Elements of a contract
  - i. Offer
  - ii. Acceptance
  - iii. Consideration
  - iv. Competent parties
- c. Parties to a contract
  - i. Parties to an agency agreement
  - ii. Parties to a written proposal
  - iii. Multiple parties
  - iv. Agency of parties
- d. Creating binding contracts
  - i. Signatures
  - ii. Acceptance, delivery, binding acceptance
  - iii. Deadlines
  - iv. Delivery, including e-sign
- e. Validity of contracts
- f. Drafting contracts and contingencies
  - i. Proper drafting
  - ii. Pre-printed
  - iii. Customized
- g. Ending the contractual relationship
  - i. Rescission
  - ii. Termination
  - iii. Modification
  - iv. Death of a party
  - v. Default, breach
- h. Time is of the essence
- i. Acceptance versus counteroffers
- j. The law of conveyances
  - i. Conveyance defined
  - ii. Requirements for a valid conveyance
  - iii. Transfers to which the law of conveyance applies
  - iv. Transfers to which the law of conveyance does not apply
- k. Agreement to arbitrate real estate transaction disputes – s. 788.015, Stats.
- l. Commercial real estate commission lien – s. 779.32, Stats.

## II. Approved forms

- a. The forms approval process
  - i. Forms committee
  - ii. Real Estate Examining Board
  - iii. Department of Safety and Professional Services
- b. The authorized practice of law
  - i. Reynolds v. Dinger, 14 Wis. 2d, 193
  - ii. Chapter REEB 16
- c. Review of forms
  - i. Listing contracts
  - ii. Offers
  - iii. Counteroffer – WB-44
  - iv. Amendment – WB-40
  - v. Buyer agency/tenant representation agreement – WB-36
  - vi. Listing contract for lease of real property WB-37
  - vii. Notice relating to offer to purchase - WB-41
  - viii. Multiple counter-proposal – WB-46
  - ix. Leases
  - x. Grant of option
  - xi. Bill of sale – WB-25
  - xii. Offer to exchange property
  - xiii. Cancellation and mutual release – WB-45
  - xiv. Use of other transaction documents
    1. Agency disclosure
    2. Real estate condition reports
    3. Addendum
    4. Leases
    5. State bar forms – s. REEB 16.03 (1)
    6. Forms used by other government agencies
    7. Uniform commercial code forms
    8. Forms used in other states
- d. Developing a form and contingency manual
- e. Supervising salesperson's use of approved forms

### **III. Trust accounts, escrow, closing statement**

- a. Trust accounts – chapter REEB 18
  - i. Trust account definition
  - ii. Trust funds definition
  - iii. When is a trust account required
  - iv. Registering a trust account with the department – forms used
  - v. Procedure to open a trust account
  - vi. Procedure to open an interest bearing trust account
  - vii. Closing a trust account – procedure, forms used
  - viii. Authorization to sign trust account checks
  - ix. Deposit of trust funds
  - x. Disbursement of trust funds
  - xi. Bookkeeping system
  - xii. Violation of trust account rules
- b. Escrow agreement procedures
  - i. Escrows requiring separate escrow agreements
  - ii. Pre-closing earnest money escrows
  - iii. Post closing escrows
  - iv. Escrows not requiring separate escrow agreements
  - v. Drafting escrow agreements/contingencies
- c. Closing procedures
  - i. Deadlines and contingencies in the offer
  - ii. Evidence of title- title insurance
  - iii. Licensee's role at closing
  - iv. Closing preparation procedures
  - v. Funds at closing vs. closing in escrow
  - vi. Preparing closing documentation
  - vii. Post closing procedures

### **IV. Business management**

- a. The legal environment
  - i. Requirements for licensure
  - ii. Liability concerns/risk reduction
  - iii. Operational policies
    - 1. Policy and procedures manual - s. REEB 17.08
    - 2. Independent contractors' agreements
- b. The business plan
  - i. Forms of ownership
  - ii. Licensing of business entity
  - iii. Trade names
  - iv. Changes of business form
- c. Professional services
  - i. Attorneys
  - ii. Accountants

### **V. Financial and Office management**

- a. Office management – chapter REEB 15
  - i. Retention of paper records
  - ii. Retention of electronic records
- b. Transition planning
  - i. Trust accounts
  - ii. Transfer of contracts
  - iii. Pending transactions
  - iv. Employees

### **VI. Personnel**

- a. Hiring
  - i. Agents
  - ii. Personal assistants
  - iii. Employee vs. independent contractor
  - iv. Equal opportunity
  - v. Workers' compensation
- b. Commission sharing
  - i. Offers of compensation
  - ii. Referral fees to licensees
- c. Policy manual
  - i. Purpose
  - ii. Recommended content
  - iii. Maintenance
  - iv. Access
- d. Rules relating to real estate – s. REEB 17.08
- e. Licensure and supervision of employees – chapter REEB 17
  - i. Notifying the Department of employment status
  - ii. Change of employment
  - iii. Termination of employment
  - iv. Change of name/ address
  - v. CE requirement and renewal

- vi. Criminal conviction of licensee
- vii. Loss of license
- viii. Inactive license
- ix. Working for more than one brokerage
- x. Broker's liability – s. 452.12
- f. Dealings with licensee and salespeople
  - i. Supervision of employees – s. REEB 17.08
  - ii. Responsibilities and fulfillment
  - iii. Office compliance with ADA
  - iv. Delegation
  - v. Branch offices
  - vi. Prohibited conduct related to:
    - 1. Accepting fees from someone other than client, principal broker, broker-employer
    - 2. Acting as a principal
    - 3. Referral fees for services

## VII. Business ethics

- a. Dealing with the public
  - i. Principal and agent relationship – s. REEB 24.025
    - 1. Agency
    - 2. Pre-agency
    - 3. Agency disclosures/timing and duties - s. 452.133
      - a. Clients
      - b. Customers
      - c. Non-approved forms
    - 4. Agency relationships
      - a. Single agency
      - b. Multiple representation with designated agency
      - c. Multiple representation without designated agency
    - 5. Limited services disclosure requirements
    - 6. Subagency
  - ii. Treating all parties fairly – s. REEB 24.025
  - iii. Avoid discrimination – s. REEB 24.03 (1)
  - iv. Competence in area of service – s. REEB 24.03 (2)
  - v. Legal practice
    - 1. Authorized
    - 2. Unauthorized (Supreme Court Rule)
    - 3. Legal counsel not to be discouraged – s. REEB 24.06
  - vi. Tie-ins – s. REEB 24.075
  - vii. Agreements in writing – s. REEB 24.08
  - viii. Misleading market values – s. REEB 24.09
  - ix. No net listings – s. REEB 24.10
- b. Advertising – s. REEB 24.04
  - i. False ads
  - ii. Disclosure to the public
    - 1. Broker identification
    - 2. Licensee identification when principal in a transaction
  - iii. Obtain permission
  - iv. Advertised price
- c. Offers – ss. REEB 24.12, 24.13
  - i. Confidentiality
  - ii. Draft and submit all offers
  - iii. Submit promptly
  - iv. Present fairly
  - v. Prompt notification
- d. Disclosure of compensation and interests – s. REEB 24.05
  - i. Disclosure of profits
  - ii. Disclosure of intent
  - iii. Property owned by licensee
  - iv. Referral of service
  - v. Compensation from more than one party
- e. Disclosure – s. REEB 24.07
  - i. All parties in a transaction
  - ii. Material adverse facts
  - iii. Exempt from disclosing - s. 452.23 and s. 452.24
  - iv. To clients in a transaction
    - 1. Material facts
  - v. Property inspection
- f. Dealings with fellow licensees
  - i. Negotiations through listing broker – s. REEB 24.13 (5)
  - ii. Presentation of offers
  - iii. Commissions
    - 1. Excluded properties
    - 2. Extension of listing and protected buyers
  - iv. Competency
  - v. Represented and unrepresented parties

- vi. Obtain seller's permission for subagent – s. REEB 24.07 (8)(b)
- vii. Confidentiality of offer – s. REEB 24.12
- viii. Disclose material facts – s. REEB 24.07 (2)
- ix. False information – s. REEB 24.07 (3)
- x. Disclose buyer agent and seller subagent – s. REEB 24.07 (8)
- xi. Timely transfer of earnest money – s. REEB 18.08

## VIII. Consumer protection

- a. Disclosure
  - i. Property inspections – s. REEB 24.07 (1) (a)
    - 1. Licensee
    - 2. Third parties
    - 3. "As is" properties
  - ii. Investigation of other facts – s. REEB 24.07 (1) (b)
  - iii. Use of third party inspectors – s. REEB 24.07 (2)
  - iv. Wisconsin statute - s. 452.23
  - v. Civil liability for misrepresentation
  - vi. Seller's disclosure duties – chapter 709
    - 1. Residential
    - 2. Condominium
    - 3. Vacant land
    - 4. Commercial
  - vii. Buyer's inspection obligation
- b. Fair housing
  - i. Federal law
  - ii. State of Wisconsin law
  - iii. Local fair housing law
  - iv. Sanctions for violations
  - v. Testers and fair housing organizations
  - vi. Conduct prohibited by fair housing law
  - vii. Responding to fair housing questions
  - viii. Instituting equal professional service procedures
- c. Antitrust: conspiracy and group boycotts
  - i. The Sherman Act
  - ii. Conspiracy requirement
  - iii. Restraint of trade requirement
  - iv. Compensation and prices which have been fixed
  - v. Situations creating inferences of price fixing
  - vi. How to respond to antitrust situations
  - vii. Situations creating inference of boycott
- d. Complaint handling procedures
  - i. Consumer satisfaction
  - ii. Liability avoidance
  - iii. Feedback on fair housing or other law violations
  - iv. Prevent complaint through education
  - v. Document the complaint handling program in policy and procedures manual
  - vi. Inform the parties of the complaint handling program
  - vii. Dispute resolution system.
    - 1. Parties to disputes
      - a. Buyers and sellers
      - b. Brokers and clients
      - c. Brokers and brokers
    - 2. Resolution methods
      - a. Negotiation
      - b. Mediation
      - c. Arbitration
      - d. Litigation
- e. Environmental factors
  - i. Underground storage tanks: registration and closure
  - ii. Asbestos
  - iii. Radon
  - iv. Lead-based paint
  - v. Lead
  - vi. Pesticides
  - vii. Methamphetamine production
  - viii. Procedures for "high risk" properties
  - ix. Wetlands and floodplain

## IX. Specialty areas

- a. Specialty transactions
  - i. Property management – chapter 704
    - 1. Forms
    - 2. Licensee as owner of rental property
    - 3. Licensee as manager of rental property
    - 4. Management contracts
    - 5. Credit check fee
    - 6. Repair promises

7. Prohibited practices
8. Rental weatherization
9. Notice of termination
10. Insurance liability
11. Security deposits/ earnest money/ rents/ property management fees
12. Breach of lease
13. Property inspections
14. Tenant and landlord rights and obligations – chapter ATCP 134
  - a. Tenant remedies
  - b. Landlord remedies
15. Rules regarding negotiating leases
- ii. Business opportunities
  1. Special expertise and licensing requirements – s. REEB 24.03
  2. Approved forms
  3. With real estate
  4. Without real estate
- iii. Historic property
- iv. Vacant land
- v. Farm
- vi. Condominiums
- vii. Broker price opinions vs. real estate appraisal
- viii. Options
- ix. Foreclosures – chapter 846
- x. Short sales - definition/disclosure requirement
- xi. Modified agency contracts
- xii. Exchanges
- xiii. Cooperatives
- xiv. Auctions
- xv. Mobile homes
- xvi. Time-share
- b. Sources of financing
  - i. Conventional
  - ii. Government
  - iii. Seller

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