



STATE OF WISCONSIN
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Governor Scott Walker Secretary Dave Ross

REAL ESTATE EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Mojgan Hall (608) 266-2112
February 21, 2013

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 of the Board.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-3)

B. Approval of Minutes-November 15, 2012 (5-7)

C. Secretary Matters

D. Executive Director Matters

- 1) Introduction of Division of Legal Services and Compliance Team. **(9-10)**
- 2) 2013 Meeting Dates **(11)**
- 3) Introduction to Sharepoint and Paperless Meetings Initiative **(13-24)**

E. Election of Board Officers and Appointment of Liaisons (25-26)

F. Discussion and Action Related to the Appointment of Tom Weber to the Real Estate Contractual Forms Council. (27)

G. Credentialing Matters

- 1) **10:30 A.M. APPEARANCE – Judy Mender and Renee Vance:** Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s) **(29-30)**
- 2) Discussion and Action Related to Reciprocity With Other States. **(31)**
- 3) **11:00 A.M. APPEARANCE – Carolann Puster:** Discussion and Consideration of Follow up Regarding Continuing Education for Renewal of Licenses **(33-34)**
- 4) Discussion and Consideration of the Total Numbers of Renewed Licenses in 2012 **(35-36)**

H. Discussion and Consideration Related to Business Entities (37)

I. Division of Legal Services and Compliance Matters

- 1) Discussion and Action Related to Delegation of Authority to Department Monitor. **(39)**
- 2) Discussion and Consideration Related to Enforcement Process. **(41)**

J. Education and Examination Matters

- 1) **11:30 A.M. APPEARANCE – Aaron Knautz:** Discussion and Action Related to Report on Changes in Sales Exam Pass/Fail Rates. **(43-44)**

K. Discussion and Action Related to Real Estate Contractual Form WB-37 (45-50)

L. Legislative/Administrative Rule Matters:

- 1) Executive Order 50 **(51-61)**
- 2) Executive Order 61 **(63-68)**
- 3) Discuss and Consider Scope Statements for Revisions to Admin. Rules REEB 11, 12 and 25, Relating to Definitions, Applications and Education. **(69-71)**
- 4) Discussion and Consideration of Rule Making for REEB 15, Relating to Broker's Obligation to Furnish Copies and Maintain Records. **(73)**
- 5) Discuss and Consider Revisions to Admin. Rule REEB 16, Relating to Use of Approved Forms, Legal Advice. **(75-76)**
- 6) Discuss and Consider Revisions to Admin. Rule REEB 18, Relating to trust Accounts. **(77-79)**
- 7) Administrative Rules Report

M. Practice Matters

N. Informational Items

O. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Executive Director Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Preceptor Approvals
- 10) Class 1 Hearing(s)
- 11) Practice Matters
- 12) Legislation/Administrative Rule Matters
- 13) Liaison Report(s)
- 14) Informational Item(s)
- 15) Speaking Engagement(s), Travel, or Public Relation Request(s)

P. 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.)

Q. Presentation and Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC):

- 1) **Roy Burlingame and Farm Urban Realty – 10 REB 044 (81-88)**
 - o Case Advisor: **Stephen Beers**
- 2) **Robert Herget – 11 REB 085 (89-95)**
 - o Case Advisor: **Dennis Pierce**
- 3) **Travis Stangel – 11 REB 112 (97-103)**
 - o Case Advisor: **Stephen Beers**
- 4) **Mark D. Rotherham and Quorum Enterprises, Inc. – 12 REB 016 (105-111)**
 - o Case Advisor: **Stephen Beers**
- 5) **John Hines – 12 REB 039 (113-118)**
 - o Case Advisor: **Stephen Beers**

R. DLSC Matters:

- 1) Case Status Report
- 2) **Case Closing(s)**
 - a. **12 REB 005 (119-121)**
 - b. **11 REB 085 (123-126)**
- 3) **Monitoring**
 - a. **Jami J. Pagel and Next Door Realty, LLC (127-136)**
- 4) **Administrative Warnings**
 - a. **12 REB 002 (137-138)**
 - b. **12 REB 005 (139-140)**
 - c. **12 REB 006 (141-142)**

S. Request For Extension to Complete Continuing Education

- 1) **G.K. (143-146)**
- 2) **R.W. (147-149)**

T. Deliberation of Items Received After Printing of the Agenda

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Class 1 Hearings
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs
- 13) Motions
- 14) Petitions for Rehearing

- 15) Formal Complaints
- 16) Case Closings
- 17) Appearances from Requests Received or Renewed

U. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
November 15, 2012**

Present: Stephen Beers, Marie Hetzer, Michael Mulleady, Dennis Pierce, Randy Savaglio and Tammy Wagner.

Staff: Mojgan Hall, Executive Director; David Carlson, Communications Specialist; and other Department staff

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

- Pull pages 11-12 (2013 meeting dates)
- Add Item J 14, Discussion and Action Related to Delegating Class 1 Hearing
- Delete Item N1

MOTION: Dennis Pierce moved, seconded by Marie Hetzer to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Michael Mulleady moved, seconded by Randy Savaglio, to approve the minutes of August 16, 2012 and October 23, 2012. Motion carried unanimously.

FORM WB-24

MOTION: Randy Savaglio moved, seconded by Marie Hetzer, to approve form WB-24 as presented in the agenda packet. Motion carried unanimously.

DELEGATING AUTHORITY TO CONDUCT CLASS 1 HEARINGS

MOTION: Randy Savaglio moved, seconded by Dennis Pierce, to delegate authority to the Division of Hearing and Appeals to conduct Class 1 Hearings on behalf of the Real Estate Examining Board.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

MOTION: Randy Savaglio moved, seconded by Dennis Pierce, to approve the scope statement for REEB 16.

MOTION: Michael Mulleady moved, seconded by Tammy Wagner, to approve the scope statement for REEB 18.

MOTION: Randy Savaglio moved, seconded by Michael Mulleady, to designate Steve Beers as Liaison to work with DSPS staff to draft a scope statement for REEB 12 and 25.

EDUCATION MATTERS

MOTION: Tammy Wagner moved, seconded by Michael Mulleady, to require that all pre-license and continuing education providers shall submit to the Department, a completed course application at least 30 days prior to the first date a course is offered.

MOTION: Michael Mulleady moved seconded by Randy Savaglio, to adopt the curriculum committee's recommendation for proposed curriculum for Real Estate Salesperson pre-license education as included in the agenda packet for today's meeting.

CLOSED SESSION

MOTION: Marie Hetzer moved, seconded by Michael Mulleady, 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; Marie Hetzer - yes; Michael Mulleady - yes; Dennis Pierce-yes; Randy Savaglio - yes; and Tammy Wagner - yes. Motion carried unanimously. Open session recessed at 12:17 p.m.

RECONVENE TO OPEN SESSION

MOTION: Randy Savaglio moved, seconded by Marie Hetzer, to reconvene in open session at 1:24 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

APPLICATION REVIEWS

MOTION: Tammy Wagner moved, seconded by Michael Mulleady, to deny the requests of the applicants identified in Item O, 1-5. Motion carried unanimously.

Note: M.M. and R.G. appeared in closed session to address the Board regarding their request for application review.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Tammy Wagner moved, seconded by Michael Mulleady, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the following matters:

- 1) 11 REB 053 – David R. Masterjohn and Masterjohn Realty, Inc.
- 2) 11 REB 079 – Niels S. Thogersen, Jr.
- 3) 11 REB 115 – Michael A. Masterjohn
- 4) 11 REB 115 – Michael A. Masterjohn and Masterjohn Realty, Inc.
- 5) 12 REB 022 – Judith J. Ditton
- 6) 12 REB 033 – Miriam R. Bourget
- 7) 12 REB 059 – Heinrich A. Gobel

Motion carried unanimously.

MOTION: Michael Mulleady moved, seconded by Randy Savaglio, to reject the proposed Stipulation in case 12 REB 006 -Timothy A Slack. Motion carried unanimously.

CASE CLOSINGS

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 11 REB 079 (NV)
2. 12 REB 010 (IE)
3. 12 REB 013 (IE)

4. 12 REB 033 (IE)
Motion carried unanimously.

ADJOURNMENT

MOTION: Marie Hetzer moved, seconded by Randy Savaglio, to adjourn the meeting at 1:27 p.m. Motion carried unanimously.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Cortney Keo, Paralegal		2) Date When Request Submitted: February 5, 2013	
Items will be considered late if submitted after 4:30 p.m. and less than:			
<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			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Introduction of the Legal Team in the Division of Legal Services and Compliance	
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 checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Business/Nursing Team introductions.			
11) Authorization			
<i>Cortney Keo</i> Signature of person making this request		2/5/13 Date	
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.			

BOARD APPEARANCE REQUEST FORM

Board Name: Real Estate Examining Board

Board Meeting Date: February 21, 2013

Person Submitting Agenda Request: Cortney Keo

Person requesting an appearance: Business/Nursing Team

Mailing address:

Email address: cortney.keo@wi.gov

Telephone #: 608-261-7904

Reason for Appearance: Business/Nursing Team introductions

Is the person represented by an attorney? If so, who?

Attorney's mailing address:

Attorney's e-mail address:

Phone Attorney:



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Governor Scott Walker Secretary Dave Ross

MEMO

TO: Real Estate Examining Board

FROM: Patara Horn, Administrative Manager

DATE: December 4, 2012

RE: 2013 Meeting & Screening Dates

Board meeting and screening panel sessions have been scheduled as follows. If a Board meeting is not held and there are cases to be screened, the Division of Legal Services and Compliance will conduct the screening panel session via telephone.

For the screening panel sessions that are not connected to a Board meeting, the Division of Legal Services and Compliance will be setting up the screening panel dates at a later date.

February 21	Screening and Meeting	8:30/10:00 a.m.	Room 121A
April 18	Screening and Meeting	8:30/10:00 a.m.	Room 121A
June 27	Screening and Meeting	8:30/10:00 a.m.	Room 121A
August 22	Screening and Meeting	8:30/10:00 a.m.	Room 121A
October 31	Screening and Meeting	8:30/10:00 a.m.	Room 121A
December 5	Screening and Meeting	8:30/10:00 a.m.	Room 121C

2013 Screening Panel teleconferences when the Board does not meet:

January 24	8:30 a.m.
March 14	8:30 a.m.
May 23	8:30 a.m.
July 25	8:30 a.m.
September 26	8:30 a.m.

For any complaint intake or screening panel matters, please contact Patara Horn at 608-261-0134 or at patara.horn@wisconsin.gov.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dave Carlson, Bureau Assistant		2) Date When Request Submitted: 2/4/2013	
		Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: 4/11/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Paperless Initiative	
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: Brief presentation of how Board Members can sign up for SharePoint access as a part of the paperless initiative, as well as instructions for using DSPS laptops.			
11) Authorization			
Dave Carlson			
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			
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.			

In order to log into the Medical Examining Board SharePoint site, you will need to go to <https://webapps.wi.gov/sites/dsps/boards/medexam/>

When you load this page, you should receive a prompt to enter your User name and password. Your User name is the Logon ID from when you created your Wisconsin Extension account. In order to tell SharePoint where to find your account, you will need to place wiext\ in front of your username at this login prompt. If you are logging in from a secure location, you can check the box to allow SharePoint to remember your username and password.



If you have forgotten your login information or password, there is a link at the bottom of <http://register.wisconsin.gov> that can be used to recover your Login ID and Password.

Once you enter your information successfully, you will be taken to the SharePoint site.

Site Actions Browse Page Gene Musser ▾

Medical Examining Board

Medical Examining Board

Libraries

- Introduction & Overview Materials
- Board Materials
- Legal Services and Compliance
- Credentialing
- Board Member Folders
- Site Pages

Lists

- Calendar
- Board Officers & Liaisons
- Examinations and Screening Panel Members

Discussions

- Team Discussion

All Site Content

Announcements

There are currently no active announcements.

Board Materials

<input type="checkbox"/> Type	Name	Modified	<input type="checkbox"/> Modified By
	February 20, 2013	1/17/2013 9:22 AM	Niehaus, Matt - DSPS
	January 16, 2013	1/14/2013 9:57 AM	Vingelen, John - DOA
	October 17, 2012	11/2/2012 1:45 PM	Vingelen, John - DOA

Members

- Gene Musser
- Greg Collins
- James W. Barr
- Jude A. Genereaux
- kenneth simons
- Mary Jo Capodice
- Niehaus, Matt - DSPS
- Rodney A. Erickson
- Ryan, Thomas - DSPS
- Sandra L. Osborn
- Sheldon Wasserman

Add new user

Links

There are currently no favorite links to display.

There are several sections of this site that will be of interest to Board members. If you examine the left hand side of the screen, you will see a navigation panel that lists every library and list you have permission to access. Please take a moment to familiarize yourself with the look of the site.

Medical Examining Board

Libraries

Introduction & Overview
Materials

Board Materials

Legal Services and
Compliance

Credentialing

Board Member Folders

Site Pages

Lists

Calendar

Board Officers &
Liaisons

Examinations and
Screening Panel
Members

Discussions

Team Discussion

The bar to the side of the left side of the page has several options on it that should be of interest to Board members. Many areas of the site are currently in development.

Introduction & Overview Materials: This library contains several documents detailing duties of Board members, as well as overviews of Board procedures.

Board Materials: This library contains agenda items, as well as a copy of the completed agenda. The library is divided into subfolders by meeting.

Legal Services and Compliance/Credentialing: These libraries will be used by DLSC and Credentialing personnel to provide documents relevant to the respective areas. These sections of the site are currently in development.

Board Member Folders: This library contains a folder for each Board member. These folders are only visible to the Board member who they correspond to and are configured to allow Board members to upload any documents they wish. This folder will also contain a copy of the meeting agenda which Board members will be able to make comments in.

Site Pages: This section is currently in development

Calendar: A calendar of Board events. It currently only reflects the Board meeting schedule.

Board Officers & Liaisons: This list contains a directory of Board officers and liaisons. This directory will be used to grant access for positions to view appropriate information on the site.

Examinations and Screening Panel Members: This list contains a directory of screening and examination panel members which will be used to automatically grant access to screening panel and examination materials for applicable months.

Discussions: This section is currently in development.

Board Materials

<input type="checkbox"/>	Type	Name	Modified	<input type="checkbox"/>	Modified By
		February 20, 2013	1/17/2013 9:22 AM		Niehaus, Matt - DSPS
		January 16, 2013	1/14/2013 9:57 AM		Vingelen, John - DOA
		October 17, 2012	11/2/2012 1:45 PM		Vingelen, John - DOA

Selecting Board Materials will give you access to a list of meetings by date. Selecting the meeting date (under the “name” category) from this list will bring you to the items for that meeting date.

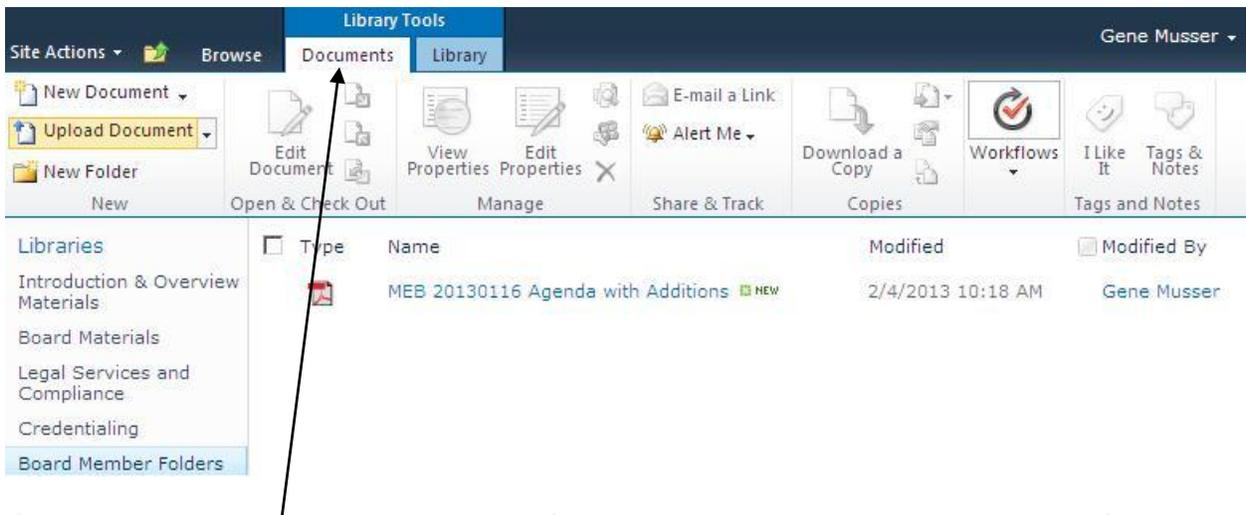
The screenshot shows a SharePoint library interface. At the top, there is a navigation bar with 'Site Actions', 'Browse', and 'Library Tools'. The 'Library Tools' section includes options like 'New Document', 'Upload Document', 'New Folder', 'Edit Document', 'View Properties', 'E-mail a Link', 'Alert Me', 'Download a Copy', 'Workflows', 'I Like It', and 'Tags & Notes'. Below this is a list of documents with columns for 'Type', 'Name', 'Board Name', 'Meeting Date', 'Modified', and 'Modified By'. The list contains five items related to a meeting on 2/20/2013.

<input type="checkbox"/>	Type	Name	Board Name	Meeting Date	Modified	<input type="checkbox"/>	Modified By
		Meeting Minutes	Medical Examining Board	2/20/2013	1/17/2013 9:24 AM		Niehaus, Matt - DSPS
		Application Materials	Medical Examining Board	2/20/2013	1/17/2013 9:25 AM		Niehaus, Matt - DSPS
		Agenda Packet	Medical Examining Board	2/20/2013	1/17/2013 9:26 AM		Niehaus, Matt - DSPS
		Open Session Business Items	Medical Examining Board	2/20/2013	1/17/2013 9:26 AM		Niehaus, Matt - DSPS
		Closed Session Business Items	Medical Examining Board	2/20/2013	1/17/2013 9:27 AM		Niehaus, Matt - DSPS

Inside of a meeting date folder, you can view several subfolders, each of which will hold individual agenda items. These items will be uploaded over the course of the month for Board members to review.

8 business days before the meeting date, the Board’s Bureau Assistant will prepare an agenda packet, which will be placed in the Agenda Packet folder, as well as each individual user’s folder in Board Member Folders. This document will be opened to comments by Board members. Any items added after the agenda deadline will also have comment-enabled copies added to individual Board member folders.

When you select Board Member Folders, you will be brought to a page with a folder with your name on it. If you open this folder, you will be taken into your folder. You have elevated permissions inside of your folder, which will give you the ability to create, upload, edit, and save files.



If you click on the documents link at the top of the page, you will be able to view a new set of options. Of particular interest are New Document and Upload Document. If you create a new document, SharePoint will create a new word file. Upload Document can be used to upload your own files, such as a copy of the agenda you have made comments in.

When you upload a document, you will be prompted with the following window. Clicking Browse will let you navigate to a location on your computer to upload the file. The destination folder option should automatically fill in with your folder's name. You will not want to change this. You can enter versioning comments if you desire to track any changes you made between different copies of files that you upload.

Upload Document

Browse to the document you intend to upload.

Name:

[Upload Multiple Files...](#)

Add as a new version to existing files

Destination Folder

Specify the folder in this document library where the document should be saved.

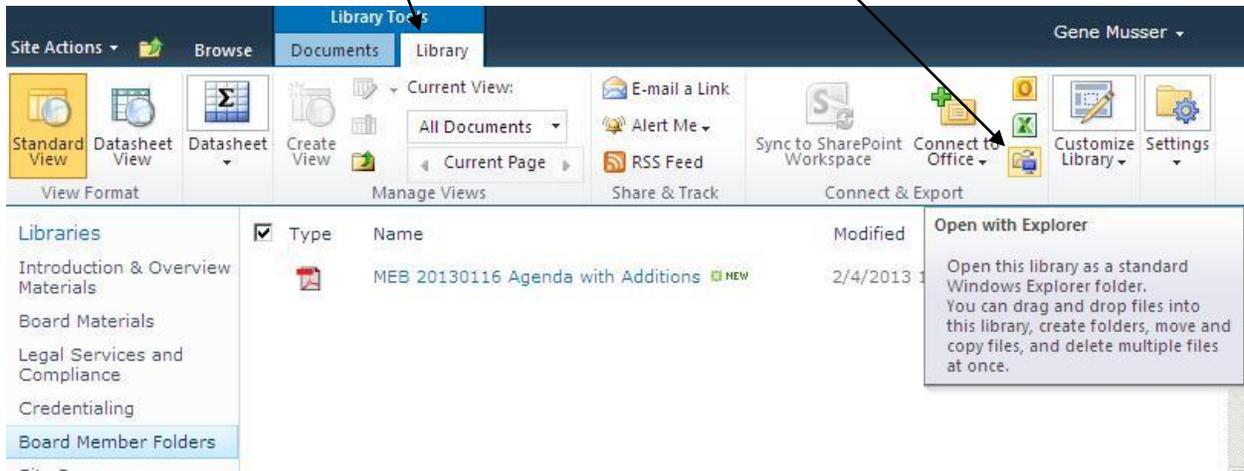
Folder:

Version Comments

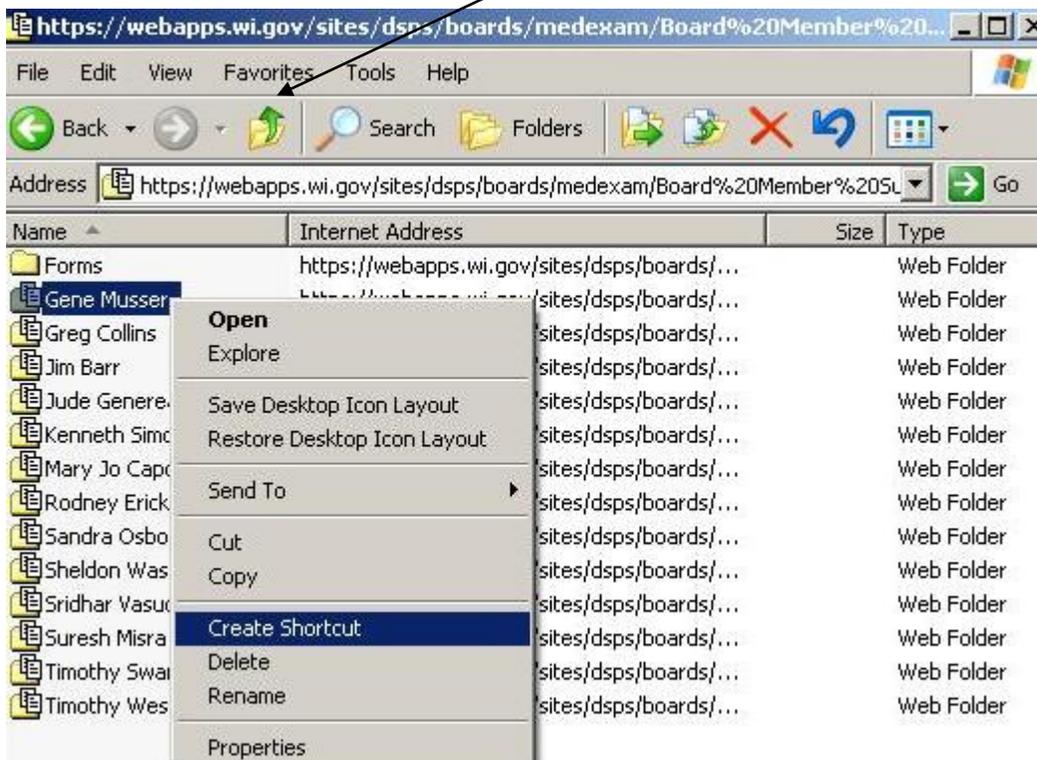
Type comments describing what has changed in this version.

Version Comments:

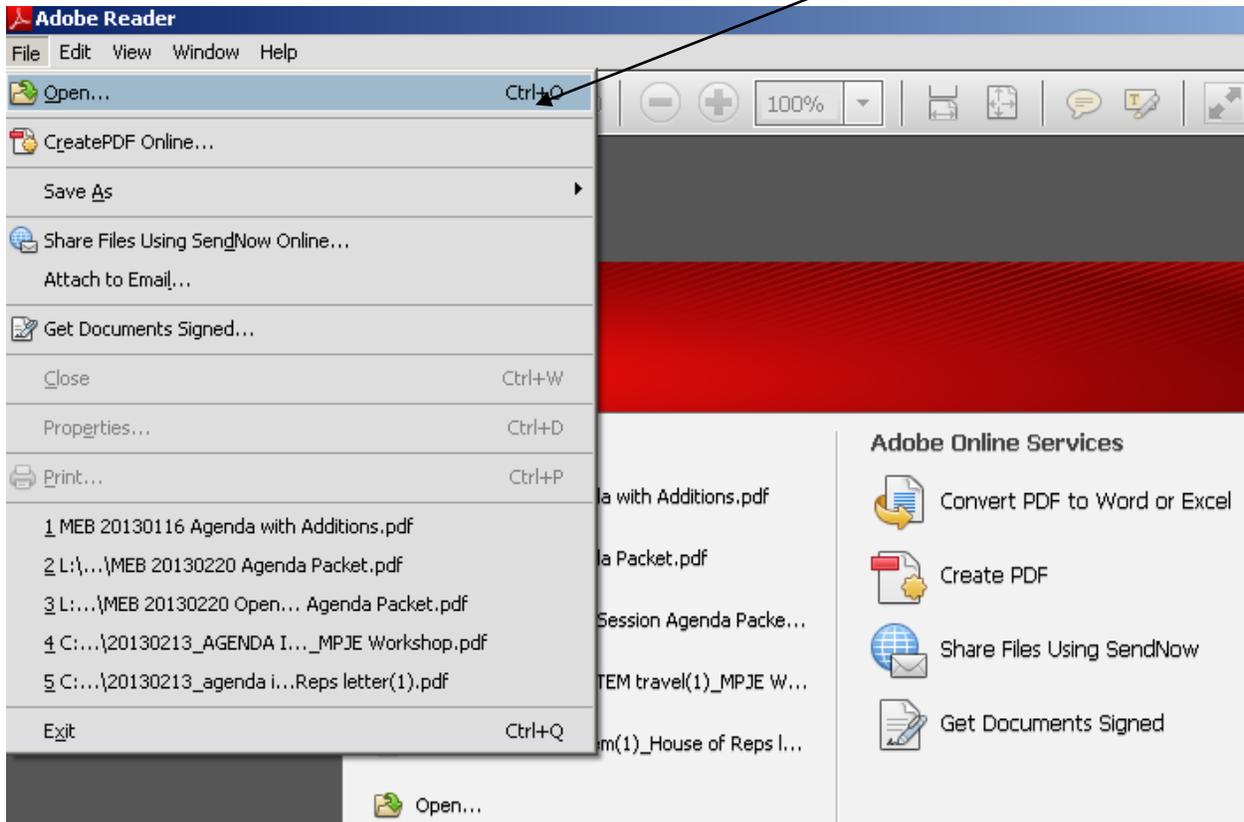
Another useful feature you can get out of SharePoint is the ability to browse the site as an Explorer window. If you go into the Library tab and select Open with Explorer, you can open up a regular Windows Explorer window, through which you can edit files without needing to interface directly with the site.



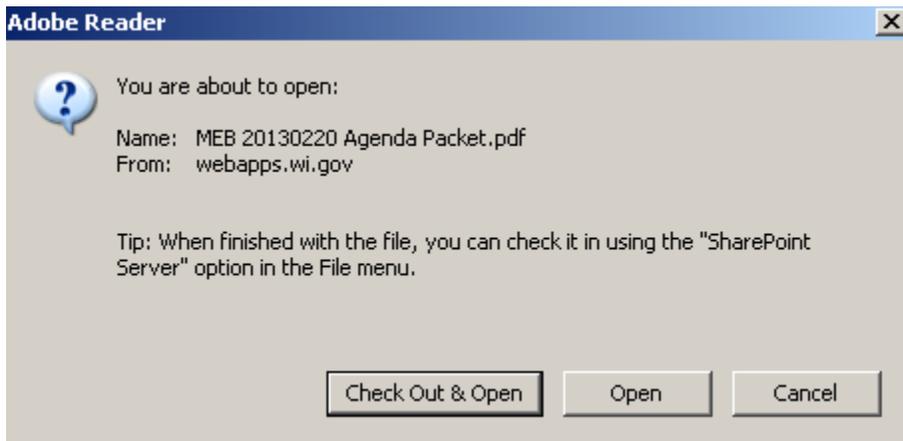
You can take this a step further and create a desktop shortcut to access your Board Member folder, should you so desire. In an open Explorer window, if you click the "Up" button, you can go back to the root folder for the Board Member Submissions, where you can then right click on your folder and create a shortcut (which will be sent to your desktop.) You can do this with other libraries in SharePoint as well, should you so desire.



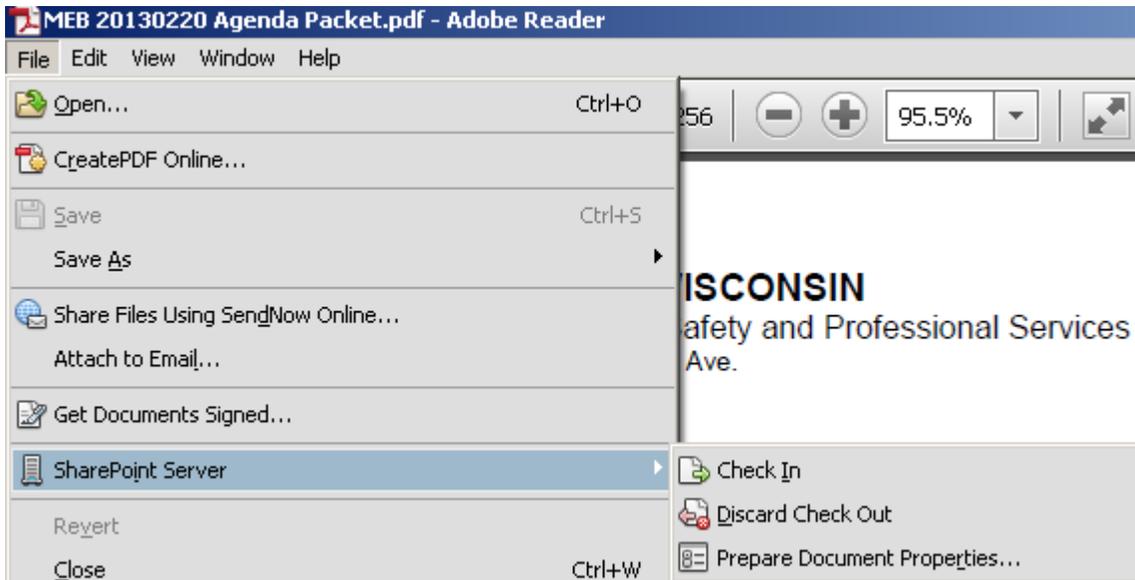
If you create a shortcut to your desktop, you can easily access and edit your agenda. If you open Adobe Reader, and navigate to the shortcut you created on your desktop, you will be able to open your folder. You may be prompted to enter your password again.



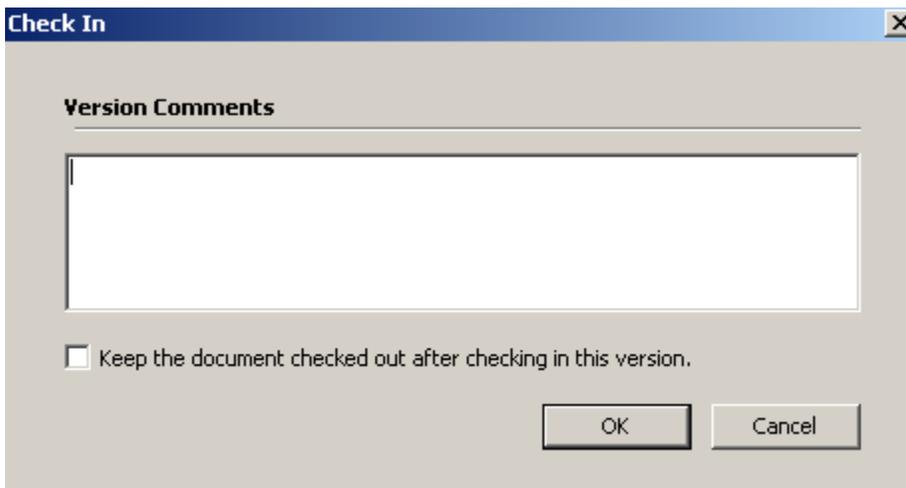
Once you open the file, you will receive a prompt about checking the file out. Through SharePoint, you will need to check out a file in order to make changes to it. Click on Check Out & Open and you will be able to insert whatever comments you desire into the document.

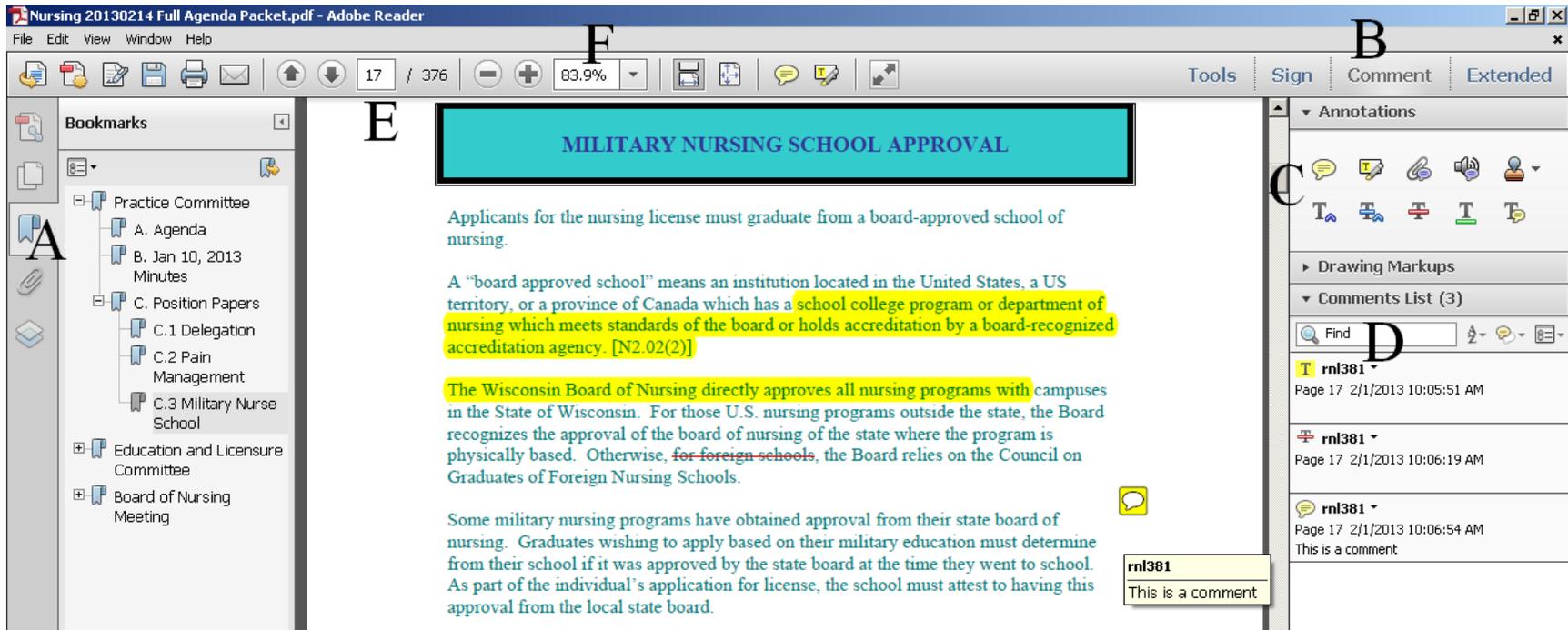


When you have made your comments to your document, you will need to check it back in so your comments will save. If you open the file menu and select SharePoint Server, you will be able to check the agenda packet back in, saving your changes to the document back to the SharePoint site.



When you click on Check In, you will get the following window. You can enter version comments to track what changes you made in this version, should you so desire. Once you hit OK, the file will be saved back on SharePoint. If you check the Keep the document checked out after checking in this version, you will be able to continue making changes to the document after checking it in.





Above is an example of an agenda packet page, with some features you can access through Adobe Reader.

A: Bookmarks – When the Bureau Assistant creates the Agenda Packet, it is possible to place in bookmarks for quick reference during meetings. You can expand and minimize categories to better enable you to jump from section to section of your agenda here.

B: Comment – On specially designated .pdf files, it is possible for Adobe Reader to be given comment privileges. This allows a Board member to make comments on documents, as well as edit, highlight, or insert text in suitable files. Please note, if the file is a scanned copy, it is likely that the highlight and text editing features will not be usable. The comment feature will still work in such an issue.

C: Annotations & Drawing Markups – These are the different options you can use to mark up your document for your reference. If you mouse over an option, it will give a brief description of what it can do for you. Feel free to experiment and find out what works best for you!

D: Comments List – Quickly jump between your comments by selecting them in this list. Never again will you miss out on a note during a discussion with this handy tool.

E: Page List – No more rifling through papers in order to track down that page someone mentioned! With this handy bar, you can simply type in the page you are looking for, hit enter, and Adobe Reader will take you directly to the page.

F: Zoom – Having trouble reading something? You can zoom in and out on a document with this bar. The plus and minus signs to the left can be used to make quick adjustments as well.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 1/7/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: 2/21/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Election of Officers and Appointment of Liaisons	
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: The Board Will Vote for the Officers (Chair, Vice-Chair, Secretary) and the Chair will Appoint Liaisons. Please see the attached document.			
11) Authorization			
Mojgan Hall			
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
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.			

**Real Estate Examining Board
2012 Board Member Assignments
(Updated 11/16/2011)**

Chair: Stephen Beers

Vice-Chair: Mike Mulleady

Secretary: Randy Savaglio

Credentialing Liaison: Randy Savaglio

Division of Legal Services and Compliance Monitoring Liaison: Marie Hetzer

Practice FAQ Advisor:

Practice Question Liaison:

Continuing Education (CE) Liaison: Tammy Wagner

Legislative Liaison:

Screening Panel: At the 2/28/2012 meeting, 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

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 stay the same.

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

AGENDA REQUEST FORM

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3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 2/21/2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Action Related to the Real Estate Contractual Forms Council Appointment.	
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: The Board Will Discuss and Take Action Concerning the Appointment of Tom Weber to the Real Estate Contractual Forms Council.			
11) Authorization			
Mojgan Hall			
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
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.			

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

AGENDA REQUEST FORM

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3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 2/21/2013	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s)	
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 checked="" type="checkbox"/> Yes Judy Mender & Renee Vance <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>The assigned member(s) of credentialing staff will appear and provide the Board with an overview of the credentialing process for the credentials under its purview. Additionally, the Board should work to define the role(s) of its credentialing liaison(s) in an effort to clarify its expectations in terms of credentialing liaison work.</p>			
11) Authorization			
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	
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.			

Credentialing Procedures (Real Estate Examining Board)

Date of Motion:

Delegated Authority to Take Action

Action	Person with delegated authority to act on behalf of the board [Either Dept staff, cred liaison (<i>name</i>) or None (<i>goes to full board</i>)]	Notes or Comments
Grant a credential within the board's jurisdiction when all information required by law is submitted.		
Grant a limited credential within the board's jurisdiction when all information required by law is submitted.		
Grant a credential within the board's jurisdiction for reinstatement of license		
Issue an intent to deny on behalf of the board		
Issue a denial on behalf of the board for any basis authorized by law		
<p>When a full board takes action, Department staff will prepare the order reflecting the action taken. Who has the authority to sign these orders between meetings? (e.g. Executive Director with approval from a designated board member)</p>		

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 1/28/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: 2/21/2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Action Related to Reciprocity with Other States.	
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: Discussion and Action Related to Reciprocity With Other States.			
11) Authorization			
Mojgan Hall			
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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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 2/5/2013	
		Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Consideration of Follow up Regarding Continuing Education for Renewal of Licenses.	
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? If yes, who is appearing? <input type="checkbox"/> Yes by Carolann Puster (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discussion and consideration on how the Department is following up on licensees that applied to renew their license and checked the box that they had not completed their continuing education yet.			
11) Authorization			
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	
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 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.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: Board Meeting February 21, 2013

TO: Real Estate Examining Board

FROM: Carolann Puster, Records Management Supervisor, Renewal Unit

SUBJECT: **Agenda Item G4:** How DPS follows up with licensees that applied to renew their license and checked the box that they had not completed their CE yet, but would do so before the expiration date of their license.

- 1) 5 business days after renewal payment is processed, if the HRS (hours of CE) requirement is Unmet, a Notice of Incomplete (NOI) is mailed to the licensee asking for CE information to be returned.
- 2) 15 business days after the NOI is mailed, if the HRS requirement is still Unmet, a Second Notice is mailed to the licensee asking for CE information.
- 3) 15 business days after the Second Notice is mailed, if the HRS requirement is still Unmet, the license is Expired.

Note: The same process is used for some other Unmet renewal requirements. The NOI and Second Notice may be asking for information regarding more than one Unmet requirement.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 2/5/2013	
		Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Consideration of the Total Numbers of Renewed Licenses in 2012.	
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? If yes, who is appearing? <input type="checkbox"/> Yes by Carolann Puster (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss and consider the total numbers of licensees who renewed their licenses (in 2012) broken down by the following categories: 1) Salesman 2) Broker 3) Business Entity			
11) Authorization			
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	
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 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.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: Board Meeting February 21, 2013

TO: Real Estate Examining Board

FROM: Carolann Puster, Records Management Supervisor, Renewal Unit

SUBJECT: Agenda Item G4: 2012 Real Estate Renewal Numbers

Real Estate Salespeople

Active at beginning of renewal cycle: 11,414
Renewed before 12/15/2102: 7,538
Renewed between 12/15/2012 – 2/7/2013: 773
Changed to Inactive per new Broker's License as of 2/7/2013: 1082

Real Estate Brokers

Active at beginning of renewal cycle: 11,940
Renewed before 12/15/2102: 9,498
Renewed between 12/15/2012 – 2/7/2013: 680

Real Estate Business Entities

Active at beginning of renewal cycle: 2,928
Renewed before 12/15/2102: 2,128
Renewed between 12/15/2012 – 2/7/2013: 158

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

AGENDA REQUEST FORM

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		Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Consideration Related to Business Entities	
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? If yes, who is appearing? <input checked="" type="checkbox"/> Yes by Carolann Puster (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
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	
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 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.			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Michelle Krisher Investigator/Department Monitor		2) Date When Request Submitted: 01/30/2013 <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			
4) Meeting Date: 02/21/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Action Related to Delegation of Authority to Department Monitor	
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 checked="" type="checkbox"/> Yes Michelle Krisher <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss and decide a new model language and related delegated authorities.			
11) Authorization			
<i>Michelle J. Krisher</i>		01/30/2013	
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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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

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		Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Consideration Related to Enforcement Process	
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? If yes, who is appearing? <input type="checkbox"/> Yes (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
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	
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 1/7/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: 2/21/2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Action Related to Report (Presented by Aaron Knautz) on Changes in Sales Exam Pass/Fail Rates.	
7) Place Item in: <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Aaron Knautz Will Give the Board a Report on Changes in Sales Exam (Passing/Failing Rates).			
11) Authorization			
Mojgan Hall			
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
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.			

BOARD APPEARANCE REQUEST FORM

Board Name: Real Estate Examining Board

Board Meeting Date: 2/21/2013

Person Submitting Agenda Request: Mojgan Hall

Person requesting an appearance: Aaron Knautz

Mailing address:

Email address:

Telephone #:

Reason for Appearance: Aaron Knautz Will Give the Board a Report on Changes in Sales Exam (Passing/Failing Rates).

Is the person represented by an attorney? If so, who?

Attorney's mailing address:

Attorney's e-mail address:

Phone Attorney:

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

AGENDA REQUEST FORM

Name and Title of Person Submitting the Request: Mojgan Hall Executive Director Division of Policy Development		Date When Request Submitted: 1/30/2013	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before meeting for all other boards 	
Name of Board, Committee, Council: Real Estate Examining Board			
Board Meeting Date: 2/21/2013	Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	How should the item be titled on the agenda page? Discussion and Action Related to RE Contractual Form WB-37	
Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	Is an appearance before the Board being scheduled? If yes, by whom? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	Name of Case Advisor(s), if required:	
Describe the issue and action the Board should address: Discussion and Action Related to RE Contractual Form WB-37			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Late Adds must be authorized by a Supervisor, DOE Division Administrator, and Bureau Director. 3. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting. 			
Authorization:			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Division Administrator (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	

WB-37 RESIDENTIAL LISTING CONTRACT - EXCLUSIVE RIGHT TO RENT

Do not use as a property management agreement or listing for sale.

1 Owner gives Broker the exclusive right to rent the rental unit(s) located at _____

2 _____

3 _____ (street address) in the _____ of

4 _____ County of _____, Wisconsin ("Premises"), more particularly

5 described as: _____

6 _____ (list unit numbers if applicable) (the "Rental Units"), under

7 the terms of this Listing. Insert additional description at lines 243-248 or in an addendum per line 249, as needed.

8 **RENTAL UNITS AND RENTAL TERMS:** List the individual Rental Unit(s) and specify proposed rental terms below or at lines 16-19, 243-248, or
9 attach as an addendum per line 249. Consider addressing furniture, appliances, equipment, designated parking and storage areas, utilities and
10 restrictions on tenant's use and occupancy (pets, smoking, etc.). Also see lines 221-223 regarding repairs/build-outs Owner agrees to complete.

11 UNIT NO.	RENT	SECURITY DEP.	MINIMUM TERM	CURRENT STATUS	OTHER RENTAL TERMS
12	\$	\$			
13	\$	\$			
14	\$	\$			
15	\$	\$			

16 **ADDITIONAL RENTAL TERMS** _____

17 _____

18 _____

19 _____

20 **DELIVERY OF DOCUMENTS AND WRITTEN NOTICES** Unless otherwise stated in this Listing, delivery of documents and written notices to a

21 Party shall be effective only when accomplished by one of the methods specified at lines 22-39.

22 (1) **Personal Delivery:** giving the document or written notice personally to the Party, or the Party's recipient for delivery if named at line 23 or 24.

23 Owner's recipient for delivery (optional): _____

24 Broker's recipient for delivery (optional): _____

25 (2) **Fax:** fax transmission of the document or written notice to the following telephone number:

26 Owner: (_____) _____ Broker: (_____) _____

27 (3) **Commercial Delivery:** depositing the document or written notice fees prepaid or charged to an account with a commercial delivery

28 service, addressed either to the Party, or to the Party's recipient for delivery if named at line 23 or 24, for delivery to the Party's delivery address at

29 line 32 or 33.

30 (4) **U.S. Mail:** depositing the document or written notice postage prepaid in the U.S. Mail, addressed either to the Party, or to the Party's

31 recipient for delivery if named at line 32 or 33, for delivery to the Party's delivery address at line 32 or 33.

32 Delivery address for Owner: _____

33 Delivery address for Broker: _____

34 (5) **E-Mail:** electronically transmitting the document or written notice to the Party's e-mail address, if given below at line 38 or 39. If this is a

35 consumer transaction where the property being rented or the rental proceeds are used primarily for personal, family or household purposes, each

36 consumer providing an e-mail address below has first consented electronically to the use of electronic documents, e-mail delivery and electronic

37 signatures in the transaction, as required by federal law.

38 E-Mail address for Owner: _____

39 E-Mail address for Broker: _____

40 **EXCLUSIONS:** All persons who may acquire an interest in the Rental Unit(s) as a Protected Tenant under a prior listing contract are excluded

41 from this Listing to the extent of the prior broker's legal rights, unless otherwise agreed to in writing. Within seven days of the date of this Listing,

42 Owner agrees to deliver to Broker a written list of all such prospective tenants. The following other tenants are excluded from this Listing until

43 _____ [INSERT DATE] _____

44 _____. These other tenants are no longer excluded from this Listing after the specified date unless, on

45 or before the specified date, Owner has either entered into a written Rental Agreement with the tenants or rented the Rental Unit(s) to the tenants.

46 **BROKER'S COMMISSION** Owner agrees to pay Broker a commission in the amount of _____

47 _____ which shall be

48 due and payable at the earlier of the execution of the Rental Agreement or the occupancy of the Rental Unit(s), unless otherwise agreed in writing

49 if; (a) Owner enters into a Rental Agreement as to a Rental Unit(s); or (b) Owner allows a tenant to occupy and pay rent for a Rental Unit(s).

50 **COMPENSATION TO OTHERS:** Broker offers the following commission to cooperating brokers: _____

51 _____

52 (Exceptions if any): _____

53 ■ **BROKER DISCLOSURE TO CLIENTS:**

54 **UNDER WISCONSIN LAW, A BROKER OWES CERTAIN DUTIES TO ALL PARTIES TO A TRANSACTION:**

- 55 (a) The duty to provide brokerage services to you fairly and honestly.
- 56 (b) The duty to exercise reasonable skill and care in providing brokerage services to you.
- 57 (c) The duty to provide you with accurate information about market conditions within a reasonable time if you request it, unless disclosure of the
58 information is prohibited by law.
- 59 (d) The duty to disclose to you in writing certain material adverse facts about a property, unless disclosure of the information is prohibited by
60 law. (see lines 170-173)
- 61 (e) The duty to protect your confidentiality. Unless the law requires it, the broker will not disclose your confidential information or the confidential
62 information of other parties. (see lines 108-123)
- 63 (f) The duty to safeguard trust funds and other property the broker holds.
- 64 (g) The duty, when negotiating, to present contract proposals in an objective and unbiased manner and disclose the advantages and
65 disadvantages of the proposals.

66 ■ **BECAUSE YOU HAVE ENTERED INTO AN AGENCY AGREEMENT WITH A BROKER, YOU ARE THE BROKER'S CLIENT. A BROKER
67 OWES ADDITIONAL DUTIES TO A CLIENT:**

- 68 (a) The broker will provide, at your request, information and advice on real estate matters that affect your transaction, unless you release the
69 broker from this duty.
- 70 (b) The broker must provide you with all material facts affecting the transaction, not just adverse facts.
- 71 (c) The broker will fulfill the broker's obligations under the agency agreement and fulfill your lawful requests that are within the scope of the
72 agency agreement.
- 73 (d) The broker will negotiate for you, unless you release the broker from this duty.
- 74 (e) The broker will not place the broker's interests ahead of your interests. The broker will not, unless required by law, give information or advice
75 to other parties who are not the broker's clients, if giving the information or advice is contrary to your interests.
- 76 (f) If you become involved in a transaction in which another party is also the broker's client (a "multiple representation relationship"), different
77 duties may apply.

78 ■ **MULTIPLE REPRESENTATION RELATIONSHIPS AND DESIGNATED AGENCY:**

79 ■ A multiple representation relationship exists if a broker has an agency agreement with more than one client who is a party in the same
80 transaction. In a multiple representation relationship, if all of the broker's clients in the transaction consent, the broker may provide services to
81 the clients through designated agency.

82 ■ Designated agency means that different salespersons employed by the broker will negotiate on behalf of you and the other client or clients in
83 the transaction, and the broker's duties will remain the same. Each salesperson will provide information, opinions, and advice to the client for
84 whom the salesperson is negotiating, to assist the client in the negotiations. Each client will be able to receive information, opinions, and advice
85 that will assist the client, even if the information, opinions, or advice gives the client advantages in the negotiations over the broker's other
86 clients. A salesperson will not reveal any of your confidential information to another party unless required to do so by law.

87 ■ If a designated agency relationship is not in effect you may authorize or reject a multiple representation relationship. If you authorize a multiple
88 representation relationship the broker may provide brokerage services to more than one client in a transaction but neither the broker nor any of
89 the broker's salespersons may assist any client with information, opinions, and advice which may favor the interests of one client over any other
90 client. If you do not consent to a multiple representation relationship the broker will not be allowed to provide brokerage services to more than
91 one client in the transaction.

92 **INITIAL ONLY ONE OF THE THREE LINES BELOW:**

93 _____ | consent to designated agency.

94 _____ | consent to multiple representation relationships, but I do not consent to designated agency.

95 _____ | reject multiple representation relationships.

96 **NOTE: YOU MAY WITHDRAW YOUR CONSENT TO DESIGNATED AGENCY OR TO MULTIPLE REPRESENTATION RELATIONSHIPS BY**
97 **WRITTEN NOTICE TO THE BROKER AT ANY TIME. YOUR BROKER IS REQUIRED TO DISCLOSE TO YOU IN YOUR AGENCY**
98 **AGREEMENT THE COMMISSION OR FEES THAT YOU MAY OWE TO YOUR BROKER. IF YOU HAVE ANY QUESTIONS ABOUT THE**
99 **COMMISSION OR FEES THAT YOU MAY OWE BASED UPON THE TYPE OF AGENCY RELATIONSHIP YOU SELECT WITH YOUR**
100 **BROKER YOU SHOULD ASK YOUR BROKER BEFORE SIGNING THE AGENCY AGREEMENT.**

101 ■ **SUBAGENCY:** The broker may, with your authorization in the agency agreement, engage other brokers who assist your broker by providing
102 brokerage services for your benefit. A subagent will not put the subagent's own interests ahead of your interests. A subagent will not, unless
103 required by law, provide advice or opinions to other parties if doing so is contrary to your interests.

104 **PLEASE REVIEW THIS INFORMATION CAREFULLY. A broker or salesperson can answer your questions about brokerage services, but**
105 **if you need legal advice, tax advice, or a professional home inspection, contact an attorney, tax advisor, or home inspector. This**
106 **disclosure is required by section 452.135 of the Wisconsin statutes and is for information only. It is a plain language summary of a**
107 **broker's duties to you under section 452.133 (2) of the Wisconsin statutes.**

108 ■ **CONFIDENTIALITY NOTICE TO CLIENTS:** Broker will keep confidential any information given to Broker in confidence, or any information
109 obtained by Broker that he or she knows a reasonable person would want to be kept confidential, unless the information must be disclosed by law
110 or you authorize Broker to disclose particular information. Broker shall continue to keep the information confidential after Broker is no longer
111 providing brokerage services to you.

112 The following information is required to be disclosed by law:

113 1) Material adverse facts, as defined in section 452.01(5g) of the Wisconsin statutes (see lines 170-173).

114 2) Any facts known by the Broker that contradict any information included in a written inspection report on the property or real estate that is the
115 subject of the transaction.

116 To ensure that the Broker is aware of what specific information you consider confidential, you may list that information below (see lines 118-120).

117 At a later time, you may also provide the Broker with other information you consider to be confidential.

118 **CONFIDENTIAL INFORMATION:** _____

119 _____

120 _____

121 **NON-CONFIDENTIAL INFORMATION** (The following may be disclosed by Broker): _____

122 _____

123 _____

124 ■ **COOPERATION, ACCESS TO RENTAL UNIT(S) OR PROPOSAL PRESENTATION:** The parties agree that Broker will work and cooperate
125 with other brokers in marketing the Rental Unit(s), including brokers from other firms acting as subagents (agents from other companies engaged
126 by Broker - see lines 101-103) and brokers representing tenants. Cooperation includes providing access to the Rental Unit(s) for showing
127 purposes and presenting Rental Agreement proposals from these brokers to Owner. Note any brokers with whom Broker shall not cooperate, any
128 brokers or tenants who shall not be allowed to attend showings, and the specific terms of proposed Rental Agreements which should not be
129 submitted to Owner: _____

130 _____

131 **CAUTION: Limiting Broker's cooperation with other brokers may reduce the marketability of the Rental Unit(s).**

132 **MARKETING AND OWNER AUTHORIZATION** Owner authorizes Broker and Broker agrees to use reasonable efforts to rent the Rental Unit(s).

133 Broker's marketing may include use of a multiple listing service, Internet advertising, a lockbox system on the Rental Unit(s) and: _____

134 _____

135 _____ Broker may advertise the following

136 incentives, repairs, build-outs, credits, etc. offered by Owner: _____

137 _____

138 Owner agrees that Broker may market other properties during the term of this Listing.

139 Broker may perform the following additional services: **COMPLETE AND CHECK AS APPLICABLE**

140 Solicit tenant applications

141 Qualify and approve prospective tenants

142 Negotiate Rental Agreements of the Rental Unit(s)

143 Receive on behalf of Owner: application fee(s), earnest money, security deposit(s) **STRIKE AS APPLICABLE**

144 Execute written Rental Agreements on behalf of Owner

145 Other: _____

146 Other: _____

147 **NOTE: This is not a property management agreement and this Listing does not obligate Broker to perform any property management**
148 **duties, including maintenance, unless specified at lines 243-248 or in an addendum per line 249.**

149 ■ **EXTENSION OF LISTING:** The Listing term is extended for a period of one year as to any Protected Tenant. Upon receipt of a written request
150 from Owner or a broker who has listed the Rental Unit(s), Broker agrees to promptly deliver to Owner a written list of those tenants known by

151 Broker to whom the extension period applies. Should this Listing be terminated by Owner prior to the expiration of the term stated in this Listing,
152 this Listing shall be extended for Protected Tenants, on the same terms, for one year after the Listing is terminated.

153 ■ **NOTICE ABOUT SEX OFFENDER REGISTRY:** You may obtain information about the sex offender registry and persons registered with the
154 registry by contacting the Wisconsin Department of Corrections on the Internet at <http://www.widocoffenders.org> or by telephone at (608)240-
155 5830.

156 ■ **DEFINITIONS:**

157 **ADVERSE FACT:** "Adverse fact" means any of the following:

158 (a) A condition or occurrence that is generally recognized by a competent licensee as doing any of the following:

- 159 1) Significantly and adversely affecting the value of the Premises;
160 2) significantly reducing the structural integrity of improvements to real estate; or
161 3) presenting a significant health risk to occupants of the Premises.

162 (b) Information that indicates that a party to a transaction is not able to or does not intend to meet his or her obligations under a contract or
163 agreement made concerning the transaction.

164 **DEADLINES – DAYS:** Deadlines expressed as a number of "days" from an event are calculated by excluding the day the event occurred and by
165 counting subsequent calendar days.

166 **LEASE:** "Lease" means an agreement, whether oral or written, for transfer of possession of real property, or both real and personal property, for a
167 definite period of time. A Lease is for a definite period of time if it has a fixed commencement date and a fixed expiration date or if the
168 commencement and expiration can be ascertained by reference to some event, such as completion of a building. An agreement for transfer of
169 possession of only personal property is not a Lease.

170 **MATERIAL ADVERSE FACT:** "Material adverse fact" means an adverse fact that a party indicates is of such significance, or that is generally
171 recognized by a competent licensee as being of such significance to a reasonable party, that it affects or would affect the party's decision to enter
172 into a contract or agreement concerning a transaction or affects or would affect the party's decision about the terms of such a contract or
173 agreement.

174 **PROTECTED TENANT:** "Protected tenant" means a tenant who personally, or through any person acting for such tenant, during the term of the
175 Listing: 1) delivers to Owner or Broker a written rental proposal regarding a Rental Unit; 2) negotiates directly with Owner by discussing with
176 Owner the potential terms upon which tenant might acquire a rental interest in a Rental Unit; or 3) attends an individual showing of a Rental Unit or
177 discusses with Broker or cooperating brokers the potential terms upon which tenant might acquire a rental interest in a Rental Unit, but only if
178 Broker delivers the tenant's name to Owner, in writing, no later than three days after the expiration of the Listing. The requirement in 3), to deliver
179 the tenant's name to Owner in writing, may be fulfilled as follows: a) If the Listing is effective only as to certain individuals who are identified in the
180 Listing, by the identification of the individuals in the Listing; or, b) if a tenant has requested that the tenant's identity remain confidential, by delivery
181 of a written notice identifying the broker with whom the tenant negotiated and the date(s) of any showings or other negotiations. A tenant who
182 becomes protected with respect to one Rental Unit included in this Listing shall be a Protected Tenant for all Rental Units included in this Listing.

183 **RENTAL AGREEMENT:** "Rental Agreement" means an oral or written agreement between a landlord and tenant, for the rental or Lease of a
184 specific dwelling unit or premises, in which the landlord and tenant agree on the essential terms of the tenancy, such as rent. Rental Agreement
185 includes a Lease. Rental Agreement does not include an agreement to enter into a Rental Agreement in the future.

186 ■ **NON-DISCRIMINATION:** Owner and Broker agree that they will not discriminate against any prospective tenant on account of race,
187 color, sex, sexual orientation as defined in Wis. Stat. § 111.32 (13m), disability, religion, national origin, marital status, lawful source of
188 income, age, ancestry, familial status or in any other unlawful manner.

189 **COOPERATION WITH MARKETING EFFORTS** During the term of this Listing, Owner agrees to:

- 190 (1) Allow Broker to show the Rental Unit(s) at reasonable times and with Owner providing notice to existing tenants as required by law;
191 (2) Allow Broker to advertise, including placing signage upon the Premises; and
192 (3) Cooperate with Broker in Broker's marketing efforts and immediately provide to Broker, in writing, the names of any prospective tenants
193 known to Owner or who contact Owner, and their contact information.

194 **OWNER'S OBLIGATIONS** During the term of this Listing, Owner agrees to provide to Broker:

- 195 (1) Copies of all code violation orders and notices, information and reports regarding any lead-based paint on the Premises, and all other records
196 and documents relating to conditions affecting the Premises; and
197 (2) Any Owner-approved Rental Agreement, nonstandard rental provisions, addenda, rules and regulations and related forms and materials
198 required in connection with the renting of the Rental Unit(s).

199 **OWNER'S WARRANTIES, COVENANTS AND REPRESENTATIONS** Owner represents any materials and information given to Broker by
200 Owner are true and complete and that the Rental Agreement and other forms provided to Broker by Owner comply with all applicable laws. Owner
201 agrees to hold Broker harmless from loss by reason of Broker's use of these materials, forms and information pursuant to the terms of this Listing,
202 including the payment of reasonable attorney's fees in the event of any suit against Broker arising out of the use of these materials, forms and
203 information.

204 Owner warrants and represents to Broker that:

- 205 (1) Owner has no notice or knowledge of any of the following conditions affecting the Premises unless indicated at lines 243-248 or in an
206 attached addendum per line 249, or disclosed in the documentation Owner has provided to Broker:
207 (a) Uncorrected code violations as described in Wis. Stat. § 704.07(2)(bm);
208 (b) A lack of hot or cold running water;
209 (c) Plumbing or sewage disposal facilities that are not in good operating condition;

- 210 (d) Heating facilities serving any rental unit that are not in safe operating condition, or are not capable of maintaining a
- 211 temperature, measured in occupied areas at the approximate center of the room, midway between floor and ceiling, of not less
- 212 than 67° F (19° C) during all seasons of the year that the rental unit is occupied;
- 213 (e) A lack of electrical service, or electrical wiring, outlets, fixtures or other components of the electrical system that are not in safe
- 214 operating condition;
- 215 (f) Any structural or other conditions in the Premises which constitute a substantial hazard to the health or safety of the tenant(s),
- 216 or create an unreasonable risk of personal injury as a result of any reasonably foreseeable use of the Premises other than
- 217 negligent use or abuse of the Premises by tenant(s);
- 218 (2) Other conditions or occurrences which would significantly reduce the value of the rental interest to a reasonable person with knowledge
- 219 of the nature and scope of the condition or occurrence. Owner has made no rent concessions or other agreements affecting the Rental
- 220 Unit(s).
- 221 (3) Owner agrees to make the following repairs and build-outs to the Premises: _____

222 _____

223 _____ **STRIKE AND COMPLETE AS APPLICABLE**

224 Exceptions to representations stated in lines 221-223: _____

225 _____

226 _____

227 Owner agrees to promptly inform Broker, in writing, of any information that would modify the above representations during the term of this Listing.

228 **WARNING: IF OWNER REPRESENTATIONS ARE INCORRECT OR INCOMPLETE, OWNER MAY BE LIABLE FOR DAMAGES AND**

229 **COSTS.**

230 ■ **TERMINATION OF LISTING:** Neither Owner nor Broker has the legal right to unilaterally terminate this Listing absent a material breach of

231 contract by the other party. Owner understands that the parties to the Listing are Owner and the Broker (firm). Agents (salespersons) for Broker

232 (firm) do not have the authority to enter into a mutual agreement to terminate the Listing, amend the commission amount or shorten the term of

233 this Listing, without the written consent of the agent(s)' supervising broker. Owner and Broker agree that any termination of this Listing by either

234 party before the date stated on line 257 shall be indicated to the other Party in writing and shall not be effective until delivered to the other Party in

235 accordance with lines 22-39.

236 **CAUTION: Early termination of this Listing may be a breach of contract, causing the terminating Party to potentially be liable for**

237 **damages. The Parties agree that this Listing shall terminate upon an effective change in ownership or control of the Rental Unit(s) so**

238 **affected, but in no event shall this Listing terminate as to the remainder of the Rental Unit(s).**

239 **TERMINATION FEE PER RENTAL UNIT** If this Listing is terminated as to one or more of the Rental Unit(s) because of an effective change in

240 ownership or control of the Rental Unit(s), Owner agrees to pay Broker a termination fee in the amount of _____

241 _____

242 _____ (insert dollar amount, formula, etc.) per Rental Unit terminated.

243 **ADDITIONAL PROVISIONS** _____

244 _____

245 _____

246 _____

247 _____

248 _____

249 **ADDENDA** The attached _____ is/are made part of this Listing.

250 **CAUTION: IF SIGNED, THIS LISTING CAN CREATE A LEGALLY ENFORCEABLE CONTRACT. BROKERS MAY PROVIDE A GENERAL**

251 **EXPLANATION OF THE PROVISIONS OF THIS LISTING OR OTHER REAL ESTATE CONTRACTS, BUT ARE PROHIBITED BY LAW FROM**

252 **GIVING ADVICE OR OPINIONS CONCERNING YOUR LEGAL RIGHTS UNDER THIS LISTING OR ANY OTHER REAL ESTATE CONTRACT.**

253 **AN ATTORNEY SHOULD BE CONSULTED IF LEGAL ADVICE IS NEEDED. OWNER SHOULD CONSULT OTHER EXPERTS AS**

254 **APPROPRIATE, FOR EXAMPLE, APPRAISERS, TAX ADVISORS, OR INSPECTORS IF SERVICES BEYOND BROKER'S MARKETING**

255 **SERVICES ARE REQUIRED.**

256 ■ **TERM OF THE CONTRACT:** From the _____ day of _____, _____, up to and including

257 midnight of the _____ day of _____, _____. In the event a commission is earned for a

258 Rental Unit, this Listing (shall) (shall not) **STRIKE ONE** ("shall" if neither is stricken) terminate for that Rental Unit.

259 ■ **READING/RECEIPT: BY SIGNING BELOW, OWNER ACKNOWLEDGES RECEIPT OF A COPY OF THIS LISTING CONTRACT AND THAT**

260 **HE/SHE HAS READ ALL 5 PAGES AS WELL AS ANY ADDENDA AND ANY OTHER DOCUMENTS INCORPORATED INTO THE LISTING.**

261 Owner Entity Name (if any): _____

262 (x) _____

263 Owner's/Authorized Signature ▲ Print Name/Title Here ► _____ Date ▲ _____

264 (x) _____

265 Owner's/Authorized Signature ▲ Print Name/Title Here ► _____ Date ▲ _____

266 (x) _____

267 Agent for Broker ▲ _____ Print Name Here: ▲ _____ Broker/Firm Name ▲ _____ Date ▲ _____

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 1/7/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: 2/21/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Action Related to Executive Order 50 and Wisconsin Statute 227.10 As they Relate to Position Papers and FAQs.	
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: Please See the Attached Executive Order 50 and Summary of Executive Order 50 and Wisconsin Statute 227.10 as they relate to Position Papers and PFAQs.			
11) Authorization			
Mojgan Hall			
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			
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.			

Summary of Executive Order #50 and Wis. Stat § 227.10 (as they relate to Position Papers and PFAQs)

WHEREAS, Wis. Stat. § 227.10(1) requires that each agency statement of policy and each interpretation of a statute adopted to govern its enforcement or administration of that statute shall be promulgated as a rule, and Wis. Stat. § 227.01(13) defines a rule as “a regulation, standard, statement of policy or general order of general application which has the effect of law and which is issued by an agency to implement, interpret or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency;” and

WHEREAS, Wis. Stat. §§ 227.11(2)(a)1. to 3. defines agency authority to promulgate administrative rules, specifically providing the following:

- A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rulemaking authority on the agency or augment the agency’s rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.
- A statutory provision describing the agency’s general powers or duties does not confer rulemaking authority on the agency or augment the agency’s rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.
- A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision; and

I. General Provisions

Each agency that develops any document interpreting, clarifying, or explaining statutes and rules that regulate individuals or entities or local governmental units, shall submit a copy to the Governor’s Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to its finalization by that agency.

227.10(1)

(1) Each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. A statement of policy or an interpretation of a statute made in the decision of a contested case, in a private letter ruling under § 73.035 or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts does not render it a rule or constitute specific adoption of a rule and is not required to be promulgated as a rule.

(2m) No agency may implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by a rule that has been promulgated in accordance with this subchapter. The governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with this subchapter.



EXECUTIVE ORDER # 50

Relating to Guidelines for the Promulgation of Administrative Rules

WHEREAS, 2011 Wisconsin Act 21 reformed the administrative rulemaking process in Wisconsin in order to increase accountability, clarify agency regulatory authority, and evaluate the economic impact of all new and amended state administrative rules; and

WHEREAS, Wis. Stat. § 227.10(1) requires that each agency statement of policy and each interpretation of a statute adopted to govern its enforcement or administration of that statute shall be promulgated as a rule, and Wis. Stat. § 227.01(13) defines a rule as “a regulation, standard, statement of policy or general order of general application which has the effect of law and which is issued by an agency to implement, interpret or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency;” and

WHEREAS, Wis. Stat. § 227.10(2m) requires an explicit grant of authority under statute or administrative rule before a state agency can implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency; and

WHEREAS, Wis. Stat. §§ 227.11(2)(a)1. to 3. defines agency authority to promulgate administrative rules, specifically providing the following:

- A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rulemaking authority on the agency or augment the agency’s rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.
- A statutory provision describing the agency’s general powers or duties does not confer rulemaking authority on the agency or augment the agency’s rulemaking authority beyond the rulemaking authority that is explicitly conferred on the agency by the legislature.
- A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision; and

WHEREAS, Wis. Stat. §§ 227.135(2), 227.24(1)(e)1d. requires the Governor to approve a statement of scope before an agency may proceed with rulemaking, Wis. Stat. § 227.185 requires the Governor to approve a final draft rule before it is submitted to the Legislature for review, and Wis. Stat. § 227.24(1)(e)1g. requires the Governor to approve an emergency rule before it is filed with the Legislative Reference Bureau and published in the official state newspaper; and

WHEREAS, Wis. Stat. § 227.137 requires state agencies to complete an Economic Impact Analysis (EIA) for every proposed rule in coordination with local governmental units that may be affected and to solicit information and advice from and consult with businesses,

associations representing businesses, local governmental units and individuals that may be affected by the proposed rule; and

WHEREAS, Wis. Stat. § 227.10(2m) establishes that “[t]he Governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with [Subchapter II of Chapter 227 of the Wisconsin Statutes].”

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of Wisconsin, specifically Wis. Stat. § 227.10(2m), do hereby direct that state agencies shall comply with the requirements of Subchapter II of Chapter 227 and this Executive Order when promulgating administrative rules.

I. General Provisions

1. To assure timely and proficient review of administrative rules in accordance with this Executive Order and with Wis. Stat. § 227.10(2m), the Governor’s Office of Regulatory Compliance is hereby established.
2. Each agency that develops any document interpreting, clarifying, or explaining statutes and rules that regulate individuals or entities or local governmental units, shall submit a copy to the Governor’s Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to its finalization by that agency.
3. Each agency shall submit to the Governor’s Office of Regulatory Compliance all materials required to be submitted under Subchapter II of Chapter 227. This includes all publicly available materials submitted to the Legislative Council Rules Clearinghouse, Legislative Reference Bureau, Department of Administration, Chief Clerks of the State Assembly and State Senate, legislative standing committees, and the Joint Committee for Review of Administrative Rules.
4. The electronic submission of materials to the State Budget Office, via SBOAdminRules@wisapps.wi.gov or as the State Budget Office otherwise prescribes, shall fulfill an agency’s duty, under Chapter 227 and Paragraph I.3. of this Executive Order, to submit materials to the Governor, the Governor’s Office of Regulatory Compliance, or the Department of Administration.
5. Each statement of scope submitted by an agency on or after June 8, 2011 is subject to review and approval by the Governor as required by Wis. Stat. §§ 227.135(2), 227.24(1)(e)1d. and Paragraph II.1. of this Executive Order. An EIA shall be prepared as required by Wis. Stat. § 227.137 and Paragraph IV.1. of this Executive Order if the draft rule is submitted to the Legislative Council Rules Clearinghouse under Wis. Stat. § 227.15 on or after June 8, 2011. An EIA is not required when an agency promulgates an emergency rule. A final draft rule or emergency rule is subject to review and approval by the Governor, as required by Wis. Stat. §§ 227.185, 227.24(1)(e)1g. and Paragraph V.1. of this Executive Order, if the statement of scope for the rule or emergency rule was submitted on or after June 8, 2011.
6. The language of Wis. Stat. § 990.001(11) concerning severability and Wis. Stat. § 990.01 concerning construction of words and phrases are intended to apply to this Executive Order.

II. Statements of Scope

1. A statement of scope shall be submitted to the Governor’s Office of Regulatory Compliance for approval by the head of the agency proposing a rule or emergency rule or by a deputy or executive assistant who has been authorized to do so by the agency head under Wis. Stat. §§ 15.04(2) or 15.05(3). Statements of scope shall be submitted electronically, as prescribed in Paragraph I.4. of this Executive Order, and contain the following information as required by Wis. Stat. § 227.135(1).
 - a. A detailed description of the objective of the rule.

- b. A detailed description of existing policies relevant to the rule and new policies proposed to be included in the rule and an analysis of policy alternatives. The description shall include an overview of the requirement or program that the rule will implement. If the proposed rule will amend an existing rule, the description shall also include an overview of the existing rule and the general changes. If the proposed rule will replace an emergency rule currently in effect, the agency shall summarize the status of any legislative action under Wis. Stat. § 227.24(2) or § 227.26(2) and identify any implementation issues that have arisen since the rule was promulgated.
 - c. A detailed description of the statutory authority for the rule. The agency shall reference each statute that authorizes the promulgation of the proposed rule and each statute or rule that will affect the proposed rule or be affected by it. The agency shall also explain in detail the agency's authority to promulgate the proposed rule under those statutes. An agency shall rely on an explicit grant of authority from the Legislature to promulgate a rule, if one exists. An agency shall not rely upon general statements of legislative purpose or legislative findings or agency general powers and duties clauses to confer authority to promulgate rules. Pursuant to Wis. Stat. § 227.11(2)(a), in the absence of an explicit grant of rulemaking authority, an agency may promulgate a rule if:
 - i. The agency considers it necessary to effectuate the purpose of the statute; and
 - ii. The agency has a general grant of rulemaking authority to administer or enforce the chapter, subchapter, or section of the Wisconsin statutes.
 - d. An estimate of the amount of time that state employees will spend to develop the rules and of other resources necessary to develop the rule.
 - e. A description of all of the entities that may be affected by the rule. This includes a description of any local governmental units, businesses, economic sectors, or public utility ratepayers who may reasonably be anticipated to be affected by the rule.
 - f. A summary and preliminary comparison, with state law, of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.
2. A statement of scope shall also include a statement of whether the agency anticipates that the proposed rule will have minimal or no economic impact, may have a moderate economic impact, or is likely to have a significant economic impact locally or statewide.
 3. A statement of scope for a proposed emergency rule shall also include an explanation of why the rule is necessary for the preservation of the public peace, health, safety, or welfare. If the rule is exempt from the required finding of emergency, the statement of scope shall cite the Wisconsin Act number and section authorizing the promulgation of an emergency rule or the statute section providing the exemption. The statement of scope shall also indicate whether the agency will promulgate a non-emergency rule and when it will begin the non-emergency rulemaking process.
 4. An agency that intends to simultaneously draft an emergency and a non-emergency rule that are identical in substance may submit one scope statement indicating this intent.
 5. Pursuant to Wis. Stat. § 227.135(2), no state employee may begin work on a proposed rule or emergency rule until the statement of scope has been approved by the Governor, published in the Administrative Register, and approved by the agency head or body with policy making powers for the agency.
 6. A statement of scope not submitted in accordance with Wis. Stat § 227.135(1) and this Executive Order will be returned to the agency and the Governor's Office of

Regulatory Compliance's review will be suspended until a complete description and analysis is resubmitted.

7. The Governor's Office of Regulatory Compliance may request an agency to withdraw a statement of scope and resubmit separate statements of scope if, in the Governor's discretion, the original statement of scope encompasses more than one rule change.
8. Following a review of the statement of scope, the Governor's Office of Regulatory Compliance shall notify the agency in writing whether the statement of scope is approved or disapproved. A disapproval by the Governor may be accompanied by suggested modifications in the event an agency chooses to submit a revised statement of scope.
9. An agency must file a statement of scope approved by the Governor for publication by the Legislative Reference Bureau within thirty calendar days of approval if the agency intends to proceed with rulemaking, or the Governor's Office of Regulatory Compliance will deem the statement of scope to be withdrawn.
10. If at any time during the rulemaking process prior to final approval by the Governor, the scope of a proposed rule is changed in any meaningful or measureable way, including changing the scope so as to include any activity, business, material or product that is not specifically included in the original statement of scope under Wis. Stat. § 227.135(4), a revised statement of scope shall be submitted to the Governor's Office of Regulatory Compliance for approval. A meaningful or measurable change includes a change to the following:
 - a. The objectives of the proposed rule;
 - b. The basis and purpose of the proposed rule;
 - c. The policies to be included in the proposed rule;
 - d. The entities affected by the proposed rule; or
 - e. The overall breadth or scope of the regulation in the proposed rule.
11. If at any time following the Governor's approval of a statement of scope, prior to the submission of a final draft rule to the Legislature for review, the Governor's Office of Regulatory Compliance requests a revised statement of scope from the agency because the rule has been changed in a meaningful or measureable way under Wis. Stat. § 227.135(4), the agency shall submit the revised statement of scope to the Governor's Office of Regulatory Compliance electronically as prescribed in Paragraph I.4. of this Executive Order within fourteen calendar days of receiving the request.

III. Additional Agency Actions in the Rule-Making Process

1. If an agency intends to establish an advisory committee under Wis. Stat. § 227.13, it shall provide a list of members to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov prior to establishing the advisory committee.
2. The agency's draft rule analysis required under Wis. Stat. § 227.14(2) shall be submitted to the Governor's Office of Regulatory Compliance electronically, as prescribed in Paragraph I.4. of this Executive Order, upon completion and prior to finalization and submittal to the Legislative Council under Wis. Stat. § 227.15(1). In accordance with Wis. Stat. § 227.14(2m), the agency shall include a statement within the analysis describing how the requirements for ensuring the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

IV. Economic Impact Analysis

1. For each proposed rule that is not an emergency rule, an Economic Impact Analysis (EIA) shall be submitted to the Legislative Council, the Governor, the Department of Administration, and the Legislature by the head of the agency proposing a rule as required by § 227.137(4). An EIA shall be submitted electronically to the

Governor's Office of Regulatory Compliance as prescribed in Paragraph I.4. of this Executive Order and this submission shall also fulfill the requirement under § 227.137(4) to submit the EIA to the Governor and the Department of Administration.

2. Prior to initiating an EIA of a proposed rule, the agency shall review the statement of scope to determine whether it was changed in any meaningful or measurable way, under Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order, while the rule was being developed. If a meaningful or measurable change has been made, the agency shall revise and resubmit the statement of scope for approval as required by Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order.
3. In preparing an EIA, under Wis. Stat. § 227.137(3), the agency shall solicit information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule by making information about the rule available and requesting comments.
 - a. Information including the proposed rule language shall be made available by posting on the agency website and the Wisconsin administrative rules website, submitting the information to the Governor's Office of Regulatory Compliance, as prescribed in Paragraph I.4. of this Executive Order, and by e-mailing individuals who have requested to receive information and other persons identified by the agency as potentially interested parties.
 - b. The agency shall accept comments for a period of at least fourteen calendar days if the statement of scope indicates that the draft rule will have no or minimal economic impact locally or statewide, at least thirty calendar days if the statement of scope indicates a moderate economic impact locally or statewide and at least sixty calendar days if the statement of scope indicates that the draft rule may or is likely to have a significant economic impact locally or statewide or on a sector of the economy. If the agency determines that the anticipated economic impact will be greater than indicated in the statement of scope, it shall adjust the comment period accordingly and a revised statement of scope is not required. If an agency determines that the anticipated economic impact will be less than indicated in the statement of scope, it may adjust the comment period accordingly and a revised statement of scope is not required.
 - c. The agency shall review the comments received and the statement of scope description of all of the persons that may be affected by the proposed rule. The agency shall update the list of businesses, business sectors, associations representing businesses, local governmental units, and individuals included in the statement of scope and submit the list to the Governor's Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov.
4. After soliciting information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule, the agency shall prepare the EIA in coordination with the local governmental units that respond to the agency's solicitation of comments and request to coordinate with the agency, as required by Wis. Stat. § 227.137(3). The agency shall contact those local governmental units to discuss such comments and incorporate them into the EIA to the extent feasible. The agency may at the same time consult with the local governmental units about whether the proposed rule would adversely affect in any material way the economy, a sector of the economy, productivity, jobs or the overall economic competitiveness of the state as required by Wis. Stat. § 227.137(3)(e) and Paragraph IV.3. of this Executive Order.
5. After soliciting information and advice from businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule, the agency shall make a determination in the EIA as required by Wis. Stat. § 227.137(3)(e), in consultation with those businesses, business sectors, associations representing businesses, local governmental units, and individuals as to whether the proposed rule would adversely affect in a material way

the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state in the following manner:

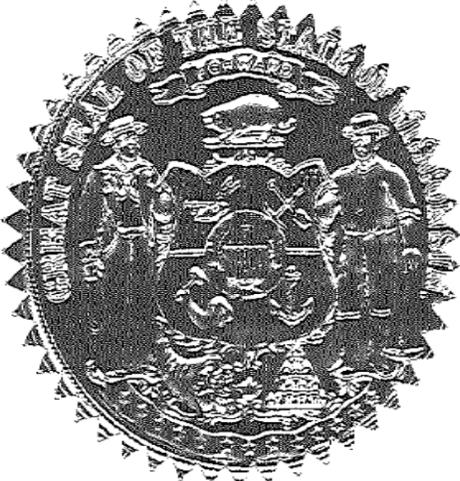
- a. The agency shall compile a list of affected persons and economic concerns identified in the comments solicited by the agency.
 - b. The agency shall contact those affected persons to discuss economic concerns and give consideration to those concerns in its EIA determination.
 - c. The agency shall document in the EIA the affected persons who were consulted and whether the agency's determination is disputed by any of the affected persons.
6. For purposes of developing an EIA for a proposed rule that is anticipated to have a significant economic impact locally or statewide, or on a sector of the economy, agencies are encouraged to establish an advisory committee of affected persons following its solicitation of comments in order to coordinate with local governmental units and consult with other affected persons. An agency that previously established an advisory committee under Wis. Stat. § 227.13 to advise it during rulemaking, including the development of the EIA, shall add to the committee affected persons, identified following the agency's solicitation of comments, who wish to serve on the committee.
7. The final EIA shall contain the following information as required by Wis. Stat. § 227.137 on the economic impact of the proposed rule on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole:
- a. An analysis and quantification of the policy problem that the proposed rule is intending to address, including comparisons with approaches used by the federal government and by Illinois, Iowa, Michigan, and Minnesota to address the policy problem and, if the approach chosen by the agency to address that policy problem is different from those approaches, a statement as to why the agency chose a different approach.
 - b. An analysis and detailed quantification of the economic impact of the proposed rule, including the implementation and compliance costs that are reasonably expected to be incurred by the businesses, local government units, and individuals that may be affected by the proposed rule. A summary of comments related to the implementation and compliance costs received by businesses, local governmental units, and individuals shall be included in the final analysis.
 - c. An analysis of the actual and quantifiable benefits of the proposed rule, including an assessment of how effective the proposed rule will be in addressing the policy problem that the rule is intended to address.
 - d. An analysis of the alternatives to the proposed rule including the alternative of not promulgating the proposed rule.
 - e. A determination made in consultation with the businesses, local governmental units, and individuals that may be affected by the proposed rule as to whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state. Included in the final analysis shall be a summary of comments related to whether the proposed rule would adversely affect, in a material way, the economic competitiveness of this state received by businesses, local governmental units, and individuals.
 - f. If the agency finds that a proposed rule will not have an economic effect on public utilities or their ratepayers, it shall state this conclusion in the EIA. If the agency finds that a proposed rule will have an economic impact on public utilities or their ratepayers or both, it shall request the information necessary from the Public Service Commission to provide an estimate of the increased costs or resulting savings for public utilities and their ratepayers.

13. If an agency makes modifications to a proposed rule following the agency public hearing, the agency shall review the rule to determine whether the scope has been changed in any meaningful or measurable way under Wis. Stat. § 227.135(4) and Paragraph II.10. of this Executive Order and whether the economic impact of the proposed rule is significantly changed under Wis. Stat. § 227.137(4) and Paragraph IV.9. of this Executive Order.
 - a. The agency shall notify the Governor’s Office of Regulatory Compliance via AdministrativeRules@Wisconsin.gov if it will submit a revised statement of scope to the Governor’s Office of Regulatory Compliance for approval or a revised EIA to the Governor’s Office of Regulatory Compliance, the Department of Administration, the Legislative Council Rules Clearinghouse and the Legislature, or both a revised statement of scope and a revised EIA. A revised statement of scope shall be submitted to the Governor’s Office of Regulatory Compliance electronically as prescribed in Paragraph I.4. of this Executive Order within seven calendar days of the notification.
 - b. If neither a revised statement of scope nor a revised EIA is required, the agency shall submit the final draft rule to the Governor’s Office of Regulatory Compliance for approval within thirty calendar days of the close of the public comment period following the public hearing if it intends to proceed with rulemaking, unless the agency has a policy making board that is required to approve the final rule language before it is submitted to the Governor’s Office of Regulatory Compliance.

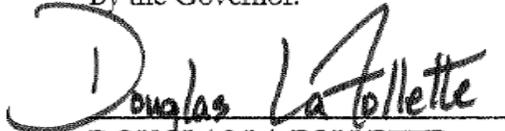
V. Final Draft Rule

1. A final draft rule shall be submitted electronically as prescribed in Paragraph I.4. of this Executive Order to the Governor’s Office of Regulatory Compliance for approval by the head of the agency proposing a permanent or emergency rule or by a deputy or executive assistant who has been authorized to do so by the agency head under Wis. Stat. §§15.04(2) or 15.05(3).
2. For each non-emergency rule, the final draft rule submitted to the Governor’s Office of Regulatory Compliance shall contain the following information:
 - a. The documents required under Wis. Stat. § 227.15(1), with any necessary updates;
 - b. A statement describing how the rule complies with any applicable requirement under Wis. Stat. § 227.116;
 - c. The final EIA required under Wis. Stat. § 227.137(2);
 - d. The report of the Department of Administration if required under Wis. Stat. § 227.137(6);
 - e. Any energy impact report completed under Wis. Stat. § 227.117(2), and a statement describing the agency’s consideration of the energy impact report in accordance with Wis. Stat. § 227.117(3);
 - f. The report of the Small Business Regulatory Review Board required under Wis. Stat. § 227.14(2g);
 - g. Any regulatory flexibility analysis completed under Wis. Stat. § 227.114;
 - h. A list of persons who appeared or registered for or against the rule at the hearing;
 - i. A summary of public comments to the proposed rule and the agency’s response to those comments;
 - j. An explanation of any modifications made in the proposed rule as a result of public comments or testimony received at the public hearing; and
 - k. The Legislative Council Rule Clearinghouse report completed under Wis. Stat. § 227.15 and the agency’s response to the report as required by Wis. Stat. § 227.19(3)(d).
3. For each emergency rule, the final draft rule submitted to the Governor’s Office of Regulatory Compliance shall contain the following information:
 - a. A fiscal estimate in the format required by Wis. Stat. § 227.14(4); and

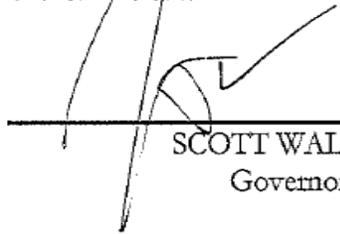
- b. A plain language analysis of the rule in the format required under Wis. Stat. § 227.14(2).
4. Following a review of the final draft rule, the Governor's Office of Regulatory Compliance shall notify the agency in writing whether the rule is approved or disapproved. A disapproval may be accompanied by suggested modifications. The agency may submit a revised rule for approval under the statement of scope that was previously approved by the Governor.



By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this second day of November, in the year two thousand eleven.


SCOTT WALKER
Governor

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mojgan Hall Executive Director		2) Date When Request Submitted: 1/7/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <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			
4) Meeting Date: 2/21/2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Action Related Executive Order 61	
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: <p>The Governor's office is asking all Boards to review and identify rules that unnecessarily burden small businesses, their growth and job creation. The following options are suggested for undertaking this assignment, with a report back to the Board at its next meeting:</p> <ol style="list-style-type: none"> 1. Appoint a member of the Board to review the rules. 2. Divide the rules among Board members for review. 3. All Board members could review the rules individually. <p>If the Board decides at the next meeting that there is a need to write rules, the next step would be to draft a scope statement. Please see the attached documents.</p>			
11) Authorization			
Mojgan Hall 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			
Directions for including supporting documents: <ol style="list-style-type: none"> 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. 			



EXECUTIVE ORDER # 61

Relating to Job Creation and Small Business Expansion

WHEREAS, creating jobs and growing our state's economy is dependent on a vibrant small business sector; and

WHEREAS, small businesses have generated 64% of net new jobs over the past fifteen years and employ over half of all private sector employees; and

WHEREAS, according to recent U.S. Census data, 86% of Wisconsin business employ fewer than 20 workers, and 74% have ten workers or less; and

WHEREAS, small businesses spend 80% more per worker than large employers to comply with government regulations and, according to a recent National Federation of Independent Business survey of Wisconsin employers, 91% said it was impossible to know about, comply with, and understand all of government's regulations; and

WHEREAS, according to the U.S. Small Business Administration, complying with government regulations costs small businesses \$10,585 per worker, which discourages investment and hiring by small businesses; and

WHEREAS, government regulations are regularly cited as one of the top three concerns for small business growth, according to NFIB's Small Business Optimism Index; and

WHEREAS, 2011 Wisconsin Act 46 strengthened Wisconsin's Small Business Regulatory Review Board (Board) empowering small business owners and giving them the ability to judge the economic impact of government regulation; and

WHEREAS, 2011 Wisconsin Act 46 requires state agencies to submit any rule with an economic impact to the Board for review and allows the Board to suggest changes to the agency that will improve compliance and reduce the rule's burden on small businesses; and

WHEREAS, pursuant to Wis. Stat. § 227.30, the Board has the authority to review rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses to conduct their affairs; and

WHEREAS, state agencies and the Board should not only be reviewing new rules but collaborating to reform existing rules that hinder job creation and small business expansion and that this effort would help further the state's goal of creating 250,000 jobs by 2015.

NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, specifically Wis. Stat. § 227.10(2m), do hereby:

1. Require all state agencies to review 2011 Wisconsin Act 46 to ensure they are in compliance, ready to assist small business owners, and properly submitting any proposed rules with an economic impact to the Board;
2. Require all state agencies to cooperate with the Board to identify existing rules hindering job creation and small business growth;

3. Require all state agencies to work with the Board to recommend changes to these rules that will both reduce their burden on job creators while continuing to comply with the intent of the statutes that created them;
4. Require all state agencies to work with the Board to identify strategies that will increase compliance with existing rules;
5. Request that the Board engage small business owners and their representative organizations to gather input on any rules hindering job growth;
6. Request that the Board provide a report and analysis of these rules, in a manner similar to Wis. Stat. § 227.30(1), to the Governor's Office of Regulatory Compliance and the agency with the authority to amend the rules, which details the rules they have identified for modification.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done in the City of Eau Claire this twenty-second day of February, in the year two thousand twelve.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

State of Wisconsin



2011 Senate Bill 47

Date of enactment: **November 1, 2011**
Date of publication*: **November 15, 2011**

2011 WISCONSIN ACT 46

AN ACT *to amend* 15.155 (5), 227.114 (6), 227.114 (7m), 227.14 (2g) (intro.), 227.19 (3) (intro.), 227.19 (3m) and 227.24 (3m) (intro.); and *to create* 227.04 of the statutes; **relating to:** changes to the membership of the Small Business Regulatory Review Board, notification to the Small Business Regulatory Review Board of bills with an economic impact on small businesses, the role of the Office of Regulatory Assistance in the Department of Commerce, and requiring the exercise of rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.155 (5) of the statutes, as affected by [2011 Wisconsin Act 32](#), is amended to read:

15.155 (5) SMALL BUSINESS REGULATORY REVIEW BOARD. There is created a small business regulatory review board, attached to the department of administration under s. 15.03. The board shall consist of ~~a representative of the department of administration; a representative of the department of agriculture, trade and consumer protection; a representative of the department of children and families; a representative of the department of health services; a representative of the department of natural resources; a representative of the department of safety and professional services; a representative of the department of revenue; a representative of the department of workforce development;~~ **6** ~~7~~ representatives of small businesses, as defined in s. 227.114 (1), who shall be appointed for 3-year terms; ~~and the chairpersons of one senate and one assembly committee concerned with small businesses, appointed as are members of standing committees. The representatives of the departments shall be selected by the secretary of that department.~~

SECTION 2. 227.04 of the statutes is created to read:

227.04 Considerations for small business. (1) In this section, "small business" has the meaning given in s. 227.114 (1).

(2) Consistent with the requirements under s. 895.59 and, to the extent possible, each agency shall do all of the following:

(a) Provide assistance to small businesses to help small businesses comply with rules promulgated by the agency.

(b) Establish, by rule, reduced fines and alternative enforcement mechanisms for minor violations of administrative rules made by small businesses. The rules promulgated under this paragraph shall include a definition of "minor violation."

(c) In deciding whether to impose a fine against a small business found to be in violation of a rule, consider the appropriateness of a written warning, reduced fine, or alternative penalty if all of the following apply:

1. The small business has made a good faith effort to comply with the rule.

2. The rule violation does not pose a threat to public health, safety, or welfare.

(d) Establish methods to encourage the participation of small businesses in rule making under s. 227.114 (4).

* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 3. 227.114 (6) of the statutes is amended to read:

227.114 (6) When an agency, under s. 227.20 (1), files with the legislative reference bureau a rule that is subject to this section, the agency shall include with the rule a summary of the analysis prepared under s. 227.19 (3) (e) and a summary of the comments of the legislative standing committees, if any. ~~If, under s. 227.19 (3m), the rule does not require the analysis under s. 227.19 (3) (e), the agency shall include with the rule a statement of the reason for the agency's small business regulatory review board's determination under s. 227.19 (3m) that the rule will not have a significant economic impact on a substantial number of small businesses.~~ The legislative reference bureau shall publish the summaries or the statement in the register with the rule.

SECTION 4. 227.114 (7m) of the statutes is amended to read:

227.114 (7m) ~~The~~ Each agency shall designate ~~a~~ at least one employee to serve as the small business regulatory coordinator for the agency, and shall publicize that employee's electronic mail address and telephone number. ~~The small business regulatory coordinator shall act as a contact person for small business regulatory issues and shall publicize that person's electronic mail address and telephone number for the agency.~~

SECTION 5. 227.14 (2g) (intro.) of the statutes is amended to read:

227.14 (2g) **REVIEW BY THE SMALL BUSINESS REGULATORY REVIEW BOARD.** (intro.) On the same day that an agency submits to the legislative council staff under s. 227.15 a proposed rule that may have ~~a significant~~ an economic impact on small businesses, the agency shall submit the proposed rule, the analysis required under sub. (2), and a description of its actions taken to comply with s. 227.114 (2) and (3) to the small business regulatory review board. The board may use cost-benefit analysis to determine the fiscal effect of the rule on small businesses and shall determine whether the proposed rule will have a significant economic impact on a substantial number of small businesses and whether the agency has complied with subs. (2) and (2m) and s. 227.114 (2) and (3). Except as provided in subs. (1m) and (1s), each proposed rule shall include provisions detailing how the rule will be enforced. If the board determines that the rule does not include an enforcement provision or that the agency failed to comply with sub. (2) or (2m) or s. 227.114 (2) or (3), the board shall notify the agency of that determination and ask the agency to comply with any of those requirements. If the board determines that the proposed rule will not have a significant economic impact on a substantial number of small businesses, the board shall submit a statement to that effect to the agency that sets forth the reason for the board's decision. If the board determines that the proposed rule will have a significant economic impact on a substantial number of small busi-

nesses, the board may submit to the agency suggested changes in the proposed rule to minimize the economic impact of the proposed rule, or may recommend the withdrawal of the proposed rule under sub. (6). In addition, the board may submit other suggested changes in the proposed rule to the agency, including proposals to reduce the use of cross-references in the rule. The board shall send a report of ~~those suggestions~~ any suggested changes and of any notice of failure to include enforcement provisions or to comply with sub. (2) or (2m) or s. 227.114 (2) or (3) to the legislative council staff. The notification to the agency may include a request that the agency do any of the following:

SECTION 6. 227.19 (3) (intro.) of the statutes, as amended by 2011 Wisconsin Act 21, is amended to read:

227.19 (3) **FORM OF REPORT.** (intro.) The report required under sub. (2) shall be in writing and shall include the proposed rule in the form specified in s. 227.14 (1); ~~the material specified in s. 227.14 (2), (3), and (4);~~ including any statement, suggested changes, or other material submitted to the agency by the small business regulatory review board; a copy of any economic impact analysis prepared by the agency under s. 227.137 (2); ~~a copy of any revised economic impact analysis prepared by the agency under 227.137 (4);~~ a copy of any report prepared by the department of administration under s. 227.137 (6); ~~a copy of any energy impact report received from the public service commission under s. 227.117 (2);~~ and a copy of any recommendations of the legislative council staff. The report shall also include all of the following:

SECTION 7. 227.19 (3m) of the statutes is amended to read:

227.19 (3m) **ANALYSIS NOT REQUIRED.** The final regulatory flexibility analysis specified under sub. (3) (e) is not required for any rule if the agency, ~~after complying with s. 227.114 (1) to (5),~~ small business regulatory review board determines that the rule will not have a significant-economic impact on a substantial number of small businesses.

SECTION 8. 227.24 (3m) (intro.) of the statutes is amended to read:

227.24 (3m) **REVIEW BY THE SMALL BUSINESS REGULATORY REVIEW BOARD.** (intro.) On the same day that the agency files a rule under sub. (3) that may have ~~a significant~~ an economic impact on small businesses, as defined in s. 227.114 (1), the agency shall submit a copy of the rule to the small business regulatory review board. The board may use cost-benefit analysis to determine the fiscal effect of the emergency rule on small businesses and shall determine whether the emergency rule will have a significant economic impact on a substantial number of small businesses and whether the agency complied with ss. 227.114 (2) and (3) and 227.14 (2m). If the board determines that the emergency rule will not have a significant economic impact on a substantial number of small

businesses, the board shall submit a statement to that effect to the agency that sets forth the reason for the board's decision. If the board determines that the emergency rule will have a significant economic impact on a substantial number of small businesses, the board may submit to the agency and to the legislative council staff suggested changes in the emergency rule to minimize the economic impact of the emergency rule. If the board determines that the agency failed to comply with s. 227.114 (2) or (3) or 227.14 (2m), the board shall notify the agency of that determination and ask the agency to comply with any of those provisions. In addition, the board may submit other suggested changes in the pro-

posed rule to the agency and may include a request that the agency do any of the following:

SECTION 12. Initial applicability.

(1) The treatment of section 227.14 (2g) (intro.) of the statutes first applies to a proposed administrative rule submitted by an agency to the legislative council staff under section 227.15 of the statutes on the effective date of this subsection.

(2) The treatment of section 227.24 (3m) (intro.) of the statutes first applies to an emergency rule filed with the legislative reference bureau on the effective date of this subsection.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jean MacCubbin, Program Manager Div. of Policy development		2) Date When Request Submitted: 1/29/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <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: REEB			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Administrative Rules Discuss and Consider Scope Statement for Revisions to Admin. Rules REEB 11, 12, and 25 relating to Definitions, Applications, and Education.	
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? If yes, who is appearing? <input type="checkbox"/> <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss revisions to Administrative Rules REEB 11, 12 and 25.			
11) Authorization <div style="text-align: center; margin-bottom: 10px;"> _____ Jean MacCubbin </div> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Bureau 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 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.			

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: REEB 11, 12 and 25

Relating to: Authority and Definitions, Applications, and Education

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

With the exception of renumbering these chapters to reflect the Department of Safety and Professional Services and the Real Estate Examining Board (the Board), these chapters have had only minor revisions dating back to 1993, 1998 and 1999, respectively.

The Board seeks to update, clarify, correct or repeal provisions relating to original, renewal and examination applications; documentation of applications; internal processing of applications and examinations including, but not limited to, parts of original and renewal examinations; and the handling of expired licenses. In addition the Board seeks to update, clarify, correct, or repeal provisions relating to definitions; educational program content and requirements for real estate brokers and real estate salespersons; means of which education is presented; and requirements for out-of-state applicants and licensees. Other changes reflect sections repealed by various recent enacted Wis. Acts. In addition, several chapters in this series include definitions where ch. REEB 11, by its title, so provides definitions for all chs. REEB 11 to 26. This proposed rule may consolidate a number of definitions in this series, (chs. REEB 11 to 25), into this one chapter, where appropriate.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The proposed changes will serve only to clarify, correct, or repeal certain current provisions to recognize contemporary technologies; no policies have changed and no new policies are reflected in this proposed rule.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

The statutory authority for chapters REEB 11, 12 and 25, Wis. Admin. Code is contained in the statutory sections 440.05, 440.06, 440.07, 440.08 and 440.09 (2) and (3), Wis. Stats., as well as ss. 452.07, 452.09, 425.10, 452.11, and 452.12, Wis. Stats.

Rule-making authority is expressively given to the Real Estate Examining Board as provided in ss. 440.03 (1) and 442.07, Wis. Stats. Chapter 440, Wis. Stats., specifically charges the Board with promulgating by rule standards for original applications; application, renewal and examination fees; payment of fees and refunding of fees; standards of exam content; and granting reciprocity. Chapter 452, Wis. Stats., specifically charges the Board with promulgating by rule license application content; application fees and verification of continuing education for resident and out-of-state applicants and licensees; as well as requiring proof of continuing education for renewal purposes.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to develop the rules is expected to be about 450 hours, depending on the complexity. This includes coordinating the rule-making process with the Board's meeting schedule, conducting research, drafting and processing the proposed rules through public hearings, legislative review, and adoption. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:

These rules may have a minimal affect on, but will not create a burden to, any professional organization, approved course provider or instructor, or approved school of learning in which education and curriculum is provided for original applicants to the real estate professions regulated by the Board or the Department, or for licensees seeking the required continuing education for license renewal. Original applicants, resident and out-of-state, may be affected in a positive manner, whereby internal processing is expected to be streamlined and education is readily available.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

An Internet search of the U.S. Code and the code of federal regulations (CFR) for applications and education relating to the licensing of real estate brokers and real estate salespersons did not reveal any existing or proposed regulations at the federal level.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The anticipated cost of complying with the proposed rule is deemed minimal to none as any professional organization or approved provider or instructor in which education and curriculum is offered to meet requirements of the real estate profession regulated by the Board has an economic interest in being a partner with the Board and the Department.

Contact Person: Jean MacCubbin, Program Manager, Division of Policy Development, Department of Safety and Professional Services; P.O. Box 8935; Madison WI 53708; phone: 608.266.0955 or contact Through Relay; email: jean.maccubbin@wisconsin.gov.

Board Chairperson or Authorized Signature

Date Submitted

File: REEB 11 12 25 Scope 4

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jean MacCubbin, Program Manager Div. of Policy Development		2) Date When Request Submitted: <p style="text-align: center;">1/29/2013</p> Items will be considered late if submitted after 4:30 p.m. and less than: <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: REEB			
4) Meeting Date: Feb. 21, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Administrative Rules Discuss and Consider Possible Scope Statement for Revisions to Admin. Rule REEB 15 relating to Broker's Obligation to Furnish Copies and Maintain Records	
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? If yes, who is appearing? <input type="checkbox"/> yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss revisions to Administrative Rule REEB 15.			
11) Authorization <p style="text-align: center; font-size: 1.2em;">Jean MacCubbin</p> <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Bureau 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 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.			

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The following comments are provided to the Real Estate Examining Board by the WRA staff as per the Board's request to help highlight areas of the rule that may benefit from modernization, correction or other improvement.

REEB 16 – Approved Forms and Legal Advice

- Previously the board expressed desire to make changes to REEB 16.06(4) and (5) relating to the use of addenda by licensees. However at that time the changes could not be made because said changes did not meet the qualifications for emergency rule as did other provisions of REEB 16.
- Therefore REEB 16.06 (4) and (5) require changes to clearly reflect the ability of licensees to use addenda created by an attorney rather than the broker's attorney. Current practice of licensees is to use local board, WRA or other addenda – drafted by attorneys but not the broker's attorneys.
- Overall comments:
 - Change department to board?
 - REEB 16.02 definitions should include:
 - One-party listing
 - Exclusive right to negotiate (Buyer Agency Agreement)
 - Exclusive right to locate (Buyer Agency Agreement)
 - Exclusive right to locate and negotiate (Buyer Agency Agreement)
 - REEB 16.03 Note should be updated to include the following revisions:
 - Include WB-8 Time Share Listing Contract
 - WB-16 Offer to Purchase - Business with Real Estate
 - WB-17 Offer to Purchase - Business without Real Estate
 - Include WB-35 Simultaneous Exchange Agreement
 - WB-36 correct name Buyer Agency/Tenant Representation Agreement
 - Include WB-40 Amendment to Offer to Purchase
 - Include WB-41 Notice Relating to Offer to Purchase
 - Remove WB-43 doesn't exist anymore
 - Correct WB-46 name to WB-46 Multiple Counter-Proposal
 - WB-47 include correct name Amendment to Buyer Agency/Tenant Representation Agreement
 - REEB 16.04(2) last sentence modify to include buyer agency agreements as well – use of agency agreements captures both listings and buyer agency
 - REEB 16.06(4) – modify to be any attorney not just the broker's attorney
 - REEB 16.06(5) – may be able to combined (4) and (5) into one, would have to . One may question, when a party wishes to alter mandatory language in the offer to purchase must the addenda be drafted by an attorney. Do/should licensees be drafted pre-prepared addenda as stated in (5)?
 - REEB 16.06(6) modify to include one party listing and the three buyer agency modifications



The following comments are provided to the Real Estate Examining Board by the WRA staff as per the Board's request to help highlight areas of the rule that may benefit from modernization, correction or other improvement.

REEB 18 – Trust Accounts

- Originally the board wanted REEB 18 modify to correct conflicting language in 18.09 relating to disbursement.
- WRA recommends other modernization of REEB 18.
- An additional consideration may include if a change to REEB 15 requires a change to REEB 18.
- REEB 18.09(1)(b)
 - Remove the last sentence “An offer to purchase, lease, exchange agreement or option is not a written earnest money disbursement agreement for the purpose of this subsection.”
 - For example,
(b) As directed in a written earnest money disbursement agreement signed by all parties having an interest in the trust funds. A closing statement is a written earnest money disbursement agreement for the purposes of this subsection. ~~An offer to purchase, lease, exchange agreement or option is not a written earnest money disbursement agreement for the purpose of this subsection.~~
 - This sentence conflicts with (f) “Upon authorization granted within the contract; or”
- REEB 18.11
 - Should brokers still be permitted to hold promissory notes?
 - Are brokers still holding promissory notes?
 - Is 18.11 too antiquated?
- REEB 18.12
 - Branch office is no longer a term defined therefore 18.12 should be removed in its entirety.
- REEB 18.13(6)(c)
 - This section relates to the use of computers in bookkeeping.
 - Does “disk or other medium” capture the new means of technology? Arguably other medium does.
 - Possible consideration to include other medium with some sort of qualifying language in REEB 15?

DRAFT

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