



REAL ESTATE EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
June 19, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record 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 the Minutes of April 17, 2014 (4-6)

C. Administrative Matters

D. Legislation and Administrative Rules Matters – Discussion and Consideration (7)

1. **APPEARANCE 10:05 A.M. – Cori Lamont, Wisconsin Realtors Association**
2. Scope Statement Amending REEB 24 Relating to Act 288 (8-9)
2. Status of Emergency Rule Amending 16.06 Relating to Approved Forms
3. Status of Implementation of Act 259 Relating to Out-Of-State Brokers
4. Proposals Amending REEB 12 and 25 Relating to Applications and Education
5. Status of Pending and Future Rulemaking Projects

E. Education and Examination Matters – Discussion and Consideration

1. Licensure Exam Statistics (10-12)

F. Practice Matters – Discussion and Consideration

1. Online Advertising

G. Discussion and Consideration of Items Received After Preparation of the 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 Proposed Final Decision(s) and Order(s)
5. Motions
6. Informational Item(s)
7. DLSC Matters
8. Education and Examination Matters
9. Credentialing Matters
10. Practice Questions
11. Legislation/Administrative Rule Matters
12. Liaison Report(s)

13. Speaking Engagement(s), Travel, or Public Relations Request(s)
14. Consulting with Legal Counsel

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.).

I. Presentation and Deliberation of Proposed Final Decisions and Orders:

1. 13 REB 015 – Michael S. Hoppens and Hoppens Realty, Inc. **(13-20)**
 - Case Advisor – Stephen Beers
2. 13 REB 039 – Brenda L. Uotinen and Bachand Real Estate, Inc. **(21-29)**
 - Case Advisor – Marie Hetzer
3. 13 REB 044 – Keith E. Garot and Landmark Real Estate & Development, Inc. **(30-38)**
 - Case Advisor – Randall Savaglio

J. Presentation and Deliberation of Proposed Administrative Warning(s):

1. 11 REB 066 – A.H.H. and G.L.I. **(39-40)**
 - Case Advisor – Michael Mulleady

K. Case Closing(s)

1. 12 REB 048 – W.P. **(41-49)**
 - Case Advisor – Michael Mulleady

L. DLSC Matters - Discussion and Consideration

1. Report Regarding Timeshare Salespersons

M. Application Review(s)

1. Real Estate Salesperson Application - M.S. **(50-85)**

N. Case Status Report (86-91)

O. Deliberation of Items Received After Preparation of the Agenda

1. Professional Assistance Procedure (PAP)
2. Monitoring Matters
3. Administrative Warnings
4. Review of Administrative Warning
5. Proposed Stipulations, Final Decisions and Orders
6. Proposed Final Decisions and Orders
7. Orders Fixing Costs/Matters Related to Costs
8. Petitions for Summary Suspension
9. Petitions for Re-hearings
10. Complaints
11. Examination Issues
12. Credential Issues
13. Appearances from Requests Received or Renewed
14. Motions

P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION
Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
APRIL 17, 2014**

PRESENT: Stephen Beers, Marie Hetzer, Michael Mulleady, Dennis Pierce, Charles Szafir, Tammy Wagner

EXCUSED: Randal Savaglio

STAFF: Brittany Lewin, Executive Director; Karen Rude-Evans, Bureau Assistant; Jean MacCubbin, Rules Coordinator

CALL TO ORDER

Stephen Beers, Chair, called the meeting to order at 10:03 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

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

MINUTES FROM FEBRUARY 20, 2014

Corrections:

- Correct the spelling of Dennis Pierce throughout the Minutes

MOTION: Dennis Pierce moved, seconded by Mike Mulleady, to approve the minutes of February 20, 2014 as corrected. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULES MATTERS

MOTION: Tammy Wagner moved, seconded by Charles Szafir, to designate the Chair to approve the Adoption Order for Clearinghouse Rule 13-100; chs. REEB 22 & 26; apprentices and inactive status; pending final action by JCRAR. Motion carried unanimously.

MOTION: Mike Mulleady moved, seconded by Dennis Pierce, to request DSPS staff draft a Scope Statement revising/creating various application and renewal processes relating to the “felon bill”, SB 531 and broker cooperative agreements, SB457. Motion carried unanimously.

MOTION: Tammy Wagner moved, seconded by Marie Hetzer, to delegate staff to draft a Scope Statement on for an Emergency and Permanent rule relating to s. REEB 16.06 (1) (b) correcting text relating to the use of approved forms for submission to the Governor’s Office, publication and to authorize the Chair to approve the Scope Statement for submittal to GORC, publication and implementation no less than 10 days after publication. Motion carried unanimously.

MOTION: Tammy Wagner moved, seconded by Marie Hetzer, to designate the Chair to serve as liaison to DSPS staff for drafting rule relating to s. REEB 16.06 (1) (b) correcting text relating to the use of approved forms and approve the revisions for posting for Economic Impact comment, Public Hearing draft, and submission to the Clearinghouse. The public hearing will take place at a future meeting date. Motion carried unanimously.

CONVENE TO CLOSED SESSION

MOTION: Mike Mulleady moved, seconded by Tammy Wagner, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.). Stephen Beers read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Stephen Beers - yes; Marie Hetzer - yes; Michael Mulleady - yes; Dennis Pierce – yes; Charles Szafir - yes; Tammy Wagner - yes. Motion carried unanimously.

The Board convened into Closed Session at 11:42 a.m.

PROPOSED FINAL DECISIONS AND ORDERS

MOTION: Mike Mulleady moved, seconded by Tammy Wagner, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order for the matter concerning **Ronald J. DeChant (12 REB 042)**. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Tammy Wagner moved, seconded by Mike Mulleady, to issue an Administrative Warning in the matter of DLSC case number **12 REB 048 (M.K.B. and P.P.I.)**. Motion carried unanimously.

MOTION: Tammy Wagner moved, seconded by Dennis Pierce, to issue an Administrative Warning in the matter of DLSC case number **12 REB 063 (M.J.S. and C.C.B.)**. Motion carried unanimously.

MONITORING

MOTION: Marie Hetzer moved, seconded by Mike Mulleady, to approve the request of **James E. Shaw** to discontinue quarterly work reports and to grant full licensure. Motion carried unanimously.

CASE CLOSINGS

MOTION: Tammy Wagner moved, seconded by Marie Hetzer, to close DLSC case number **12 REB 092 (S.K.W.) for prosecutorial discretion (P4)**. Motion carried unanimously.

MOTION: Tammy Wagner moved, seconded by Marie Hetzer, to close DLSC case number **12 REB 092 (S.K.W.) for prosecutorial discretion (P4)**. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Marie Hetzer moved, seconded by Dennis Pierce, to reconvene into open session. Motion carried unanimously.

The meeting reconvened into open session at 12:16 p.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Marie Hetzer moved, seconded by Mike Mulleady, to affirm all votes made in Closed Session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dennis Pierce moved, seconded by Marie Hetzer, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:17 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 9 June 2014 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 19 June 2014	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Rulemaking Matters – Discussion and Consideration 1. Scope amending REEB 24 relating to Act 288 2. Status of Emergency Rule amending 16.06 relating to approved forms 3. Status of implementation of Act 259 relating to out-of-state brokers 4. Proposals amending REEB 12 and 25 relating to applications and education 5. Status of pending and future rulemaking projects	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Consideration of Scope amending REEB 24 relating to Act 288 2. Update on the status of the emergency rule amending 16.06 3. Update on the status of rule promulgation relating to Act 259 4. Discussion regarding proposals to be included in draft of REEB 12 and 25.			
11) Authorization			
<i>Sharon Henes</i>		<i>9 June 2014</i>	
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.			

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 24

Relating to: Revocation due to being convicted of a felony that is a bar to licensure or registration

Rule Type: Permanent

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

N/A

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

2013 Wisconsin Act 288 includes as a basis for revocation, a credential holder who has been convicted of a felony that is a bar to licensure or registration. The objective of the proposed rule is to add this to the Board's conduct and ethical practices which define conduct which may result in board discipline.

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:

2013 Wisconsin creates as a basis for revocation, a credential holder who has been convicted of a felony that is a bar to licensure or registration. The proposed policy is to add this to the Board's rules defining conduct which may result in discipline.

The alternative is for this basis for revocation not be included in the conduct and ethical practices chapter of the Board's rules.

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

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

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

75 hours

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

Real estate salespersons and brokers.

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:

None

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

None to minimal economic impact. It is not likely to have a significant economic impact on small businesses.

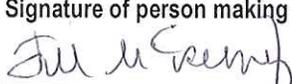
Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Authorized Signature

Date Submitted

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Aaron Knautz		2) Date When Request Submitted: 5/27/14 Items will be considered late if submitted after 4:30 p.m. on the deadline date: <ul style="list-style-type: none"> ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Licensure Exam Statistics	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review and discussion.			
11) Authorization			
Aaron Knautz		5.27.14	
Signature of person making this request 		Date 5-27-2014	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

2013

Number of Appointments:	2309
Number No Shows:	92
Number Cancels:	57
Number Delivered:	2173
Number of Graded Exams:	2173
Number Currently Scheduled:	0

Exam Series Code	Exam Title	First Time Takers					Repeaters					Overall Statistics			
		Total Graded Exams	Total Passed	Total Failed	Pass Rate	Fail Rate	Total Graded Exams	Total Passed	Total Failed	Pass Rate	Fail Rate	Total Graded Exams	Total Passed	Total Failed	Pass Rate
090-09-WI-B	WI_Broker	255	194	61	76%	24%	87	40	47	46%	54%	342	234	108	68%
094-09-WI-A	WI_Sales	1697	1595	102	94%	6%	134	75	59	56%	44%	1831	1670	161	91%
Totals:		1952	1789	163	92%	8%	221	115	106	52%	48%	2173	1904	269	88%

2014

Number of Appointments:	1274
Number No Shows:	42
Number Cancels:	24
Number Delivered:	1202
Number of Graded Exams:	1200
Number Currently Scheduled:	6

Exam Series Code	Exam Title	First Time Takers					Repeaters					Overall Statistics			
		Total Graded Exams	Total Passed	Total Failed	Pass Rate	Fail Rate	Total Graded Exams	Total Passed	Total Failed	Pass Rate	Fail Rate	Total Graded Exams	Total Passed	Total Failed	Pass Rate
090-09-WI-B	WI_Broker	204	149	55	73%	27%	62	30	32	48%	52%	266	179	87	67%
094-09-WI-A	WI_Sales	846	796	50	94%	6%	88	50	38	57%	43%	934	846	88	91%
Totals:		1050	945	105	90%	10%	150	80	70	53%	47%	1200	1025	175	85%