



To: Real Estate Examining Board and Department of Safety and Professional Services Staff

From: Cori Lamont, Director of Corporate and Regulatory Affairs
Jennifer Lindsley, Director of Training and Staff Attorney

Date: December 2, 2014

RE: Comments on REEB 12 and 25 Rule Drafts for the December 4, 2014 REEB Meeting

Section 2.

REEB 12.011(2) – Why must the individual wait the three years from serving their time before they can approach the REEB for a predetermination?

General question about this section – may the DSPS/REEB charge a fee for the predetermination? If so, wouldn't the DSPS/REEB want to clarify that ability in the rule? The statute, provided below, states that the application fee cannot be charged, it does not prohibit a fee for the predetermination. In addition, the statute does not require the felony to wait until they would be eligible for a license, i.e, three years after serving their time.

Wis. Stat. § 452.07(2) The board may promulgate rules establishing a procedure that allows an individual who does not possess a broker's or salesperson's license or a time-share salesperson's certificate of registration to, without submitting a full application and without paying the fees applicable to applicants, apply to the board for a determination of whether the individual would be disqualified from obtaining a license or certificate due to his or her criminal record. A determination made under this subsection, with respect to criminal convictions reviewed by the board as part of the determination, is binding upon the board and the department if the individual subsequently applies for a license or certificate, unless there is information relevant to the determination that was not available to the board at the time of the determination.

Section 5.

REEB 12.017(3)(b) – As drafted, attorney candidates are able to meet the broker experience requirement in one of two ways:

1. Approval by the REEB after showing evidence
2. Experience as a salesperson showing 20 points rather than the 40 required of every other applicant.

It is our understanding that the REEB also wanted the attorney applicant under 2. to have one year experience AND the 20 points. As drafted it does not include the one year.

REEB 12.017 (3)(c) - As drafted, "builder" candidates are able to meet the broker experience requirement in one of two ways:

1. Approval by the REEB after showing evidence
2. Experience as a salesperson showing 20 points rather than the 40 required of every other applicant.

It is our understanding that the REEB also wanted the "builder" applicant under 2. to have one year experience AND the 20 points. As drafted it does not include the one year.

Section 14.

REEB 12.04(1)(a) – it appears as though this section ends with a comma, rather than a period.

Section 17.

This section addresses those that are renewing after 5 or more years since their license has expired.

REEB 12.04(2m)(a) 3. - As drafted this section states that a salesperson that renews after 5 or more years since their license has expired needs to complete the following:

1. Education in one of the following ways:
 - a. Salesperson pre-license education
 - b. 10 semester hours credits
 - c. Out of state salesperson pre-license education only if the person has held an active license in another state within 2 years of renewing the Wisconsin license
2. Pass the examination
3. Complete continuing education for the most recently missed biennium. However this section goes on to say that the continuing education requirement is not needed if the person took the sales pre-license education or took the out-of state salesperson pre-license education and that person has held an active license in another state within 2 years of renewing the Wisconsin license.

It was our understanding that the REEB did not want to make such an exemption as included under item 3. Rather the REEB wanted to require all of the individuals who are renewing after 5 or more years since their license has expired to complete continuing education.

Per Wis. Stat. § 452.12(5)(c), included below, at time of renewal each broker or salesperson shall submit proof of completion of continuing education why is this specific subset held to a different standard?

Wis. Stat. § 452.12 (5)(c) At the time of renewal, each broker or salesperson shall submit proof of attendance at and successful completion of continuing education programs or courses approved under s.[452.05 \(1\) \(g\)](#).

In addition, does the REEB want to allow a Wisconsin licensed attorney to be able to automatically meet the educational requirement? Currently they already do for broker education. (see 12.04(2m)(b)3.d.).

REEB 12.04(2m)(b) 1.-4. - As drafted this section states that a broker that renews after 5 or more years since their license has expired needs to complete the following:

1. Education in one of the following ways:
 - a. Broker pre-license education and salesperson pre-license education unless currently licensed in Wisconsin as a salesperson
 - b. 20 semester hour credit
 - c. Out of state broker pre-license education only if that person has held an active license in another jurisdiction within 2 years of renewal of the Wisconsin license
 - d. A licensee who is also licensed to practice law in the state of Wisconsin
2. Pass the examination
3. Meet the experience requirement - practice as a licensed salesperson under the direct supervision of a Wisconsin broker for at least 2 years within the last 4 preceding renewal **OR** has experience related to real estate by one of the following:
 - a. Accumulation of 40 points

- b. The attorney
- c. The “builder”
- d. An out-of-state broker who held the license within 2 years of renewal of Wisconsin license meets the experience requirement.

It would appear that the insertion of the word OR may not be appropriate. As it reads, it says that to meet the experience requirement the person has to do one of the following:

Unless they meet one of the exemptions to the experience which would include the attorney, “builder” or is an out-of-state broker who held the license within 2 years of renewal of Wisconsin license then all people renewing after 5 or more years has passed must show:

- practice as a licensed salesperson under the direct supervision of a Wisconsin broker for at least 2 years within the last 4 preceding renewal
AND
 - Accumulate 40 points
4. Complete the continuing education requirements for the most recently missed biennium. However this section goes on to say that the continuing education requirement is not needed if the person met the broker pre-license education of 1. a. above or 1. c. above.

The same comments apply to the broker continuing education discussion of REEB 12.04(2m)(b) 4. that were also presented above as to the salesperson continuing education discussion of REEB 12.04(2m)(a)3.

Section 23.

REEB 25.023 states, “shall be not less than 72 hours”.

Section 25.

REEB 25.028 states, “consisting of 19 hours”

REEB 25.028(1) states, “consisting of 6 hours”

REEB 25.028(2) states, “consisting of 13 hours”

REEB 25.028(2)(i) the numbering goes from 5 to 7.

Section 27.

REEB 25.033 states, “shall consist of 72 hours”

Section 29.

REEB 25.038 states, “consisting of 13 hours”

We would request consistent language be used throughout the rule.

Section 31.

REEB 25.055(3) – While we understand the need for information from an education provider at the initial time of approval and the need to be informed if certain information changes after approval, we suggest the rule be modified to require limited situations as to when a provider must inform the REEB of changes of an approved provider. As drafted, a provider must inform the REEB if the provider changed its promotional material or registration policies.

We suggest, that items 25.055(2)(c) and (d) are removed from the list of information that schools are required to inform the REEB within 10 days following the date of the change.

Section 41.

REEB 25.068(3) – same comment as to section 31.

General comments as to REEB 25

Removal of definitions

Could the REEB and DSPS staff please provide the motivation as to the removal of the definition of classroom and distance education?

General comments as to REEB 12 and 25

Effective Date

We request a specific effective date be placed into the rule to ensure that all providers have time to meet any new rule requirements, such as creating a new out-of-state broker pre-license course since the hours were increased from 3 to 6.



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

DATE: November 26, 2014

TO: Brittany Lewin, Executive Director, Division of Policy Development

FROM: Janie Brischke, Program Policy Analyst Adv, Division of Legal Services and Compliance

SUBJECT: Real Estate Examining Board Information

The following information is based on the e-mail request from you requesting Real Estate Examining Board complaint information for Stephen Beers.

Year 2013

- Complaints received: 136 (complaints involved 345 respondents)
- Of the 136 complaints received, 66 were opened for investigation

- Respondents closed formally: 29
- Respondents closed after investigation (informally): 66
- Respondents closed at screening: 209

Year 2014 (as of mid November 2014)

- Complaints received as of 11/12/14: 143 (complaints involved 301 respondents)
- Of the 143 complaints, 53 were opened for investigation and 14 are in the complaint received status

- Respondents closed formally: 35
- Respondents closed after investigation (informally): 74
- Respondents closed at screening: 235