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**REAL ESTATE EXAMINING BOARD**  
**Room 121C, 1400 East Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**August 13, 2015**

*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 (1-2)**

**B. Approval of the Minutes of June 18, 2015 (3-5)**

**C. Administrative Matters**

1. Staff Updates

**D. 10:00 A.M. – PUBLIC HEARING: Clearinghouse Rule 15-051, Relating to Revocation Due to Felony Conviction**

1. Review and Respond to Clearinghouse Report and Public Hearing Comments (6-16)

**E. Legislative/Administrative Rule Matters (17)**

1. 2015 Wisconsin Act 47 (18)
2. Update on REEB 12 and 25, Relating to Licensure and Education
3. Pending and Possible Rulemaking Projects

**F. Real Estate Contractual Forms Advisory Council Update (19-23)**

1. Review and Consider Approval of Revised Real Estate Forms
  - a. WB-40 Amendment to Offer to Purchase (20)
  - b. WB-41 Notice Relating to Offer to Purchase (21)
  - c. WB-44 Counter-Offer (22)
  - d. WB-45 Cancellation Agreement & Mutual Release (23)
  - e. Forms Council Update

**G. Discussion and Consideration of Items Received After Preparation of the Agenda:**

1. Introductions, Announcements and Recognition
2. Election of Board Officers
3. Appointment of Board Liaison(s)
4. Administrative Updates
5. Education and Examination Matters
6. Credentialing Matters
7. Practice Matters
8. Legislation/Administrative Rule Matters
9. Liaison Report(s)
10. Informational Items
11. Disciplinary Matters

12. Requests for Disciplinary Proceeding Presentations
13. Motions
14. Petitions
15. Appearances from Requests Received or Renewed
16. Speaking Engagement(s), Travel, or Public Relation Request(s)

**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 on Monitoring Matters**

1. James Snyder – Requesting Full Unrestricted License **(24-32)**

**J. Presentation and Deliberation on Proposed Stipulations, Final Decision and Orders**

1. 13 REB 054, 13 REB 094, 14 REB 105 – Sean C. Lentz, Exsell Real Estate Experts **(33-43)**
2. 13 REB 056 – Ryan P. Richeson **(44-50)**
3. 14 REB 028 – Monica Miller **(51-56)**

**K. Presentation and Deliberation on Administrative Warnings**

1. 14 REB 039 (C.D.O.) **(57-58)**
2. 14 REB 136 (K.A.C.) **(59-60)**
3. 14 REB 147 (T.L.V.) **(61-62)**

**L. Case Closing(s)**

1. 13 REB 115 (T.A.M. and M.B.R.E.S.) **(63-66)**
2. 13 REB 131 (T.W.B.) **(67-71)**
3. 14 REB 028 (J.L.H.) **(72-75)**
4. 14 REB 039 (R.V.R. and R.C.O.) **(76-81)**

**M. Deliberation of Items Received After Preparation of the Agenda**

1. Education and Examination Matters
2. Credentialing Matters
3. Disciplinary Matters
4. Professional Assistance Procedure (PAP)
5. Monitoring Matters
6. Petitions for Summary Suspension(s)
7. Proposed Stipulation(s), Final Decision(s) and Order(s)
8. Administrative Warning(s)
9. Review of Administrative Warning(s)
10. Proposed Final Decisions and Orders
11. Orders Fixing Costs/Matters Related to Costs
12. Case Closings

**N. Consulting with Legal Counsel**

**REONVENE 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  
JUNE 18, 2015**

**PRESENT:** Stephen Beers, Marie Hetzer, Kitty Jedwabny, Randal Savaglio, Dennis Pierce

**EXCUSED:** Brian McGrath, Michael Mulleady

**STAFF:** Tom Ryan - Executive Director; Nilajah Madison-Head - Bureau Assistant; Sharon Henes - Administrative Rules Coordinator; and Other Department Staff

**CALL TO ORDER**

Stephen Beers, Chair, called the meeting to order at 10:02 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Randal Savaglio moved, seconded by Dennis Pierce, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF THE MINUTES OF APRIL 16, 2015**

**MOTION:** Marie Hetzer moved, seconded by Randal Savaglio, to approve the minutes of April 16, 2015 as published. Motion carried unanimously.

**LEGISLATION AND ADMINISTRATIVE RULE MATTERS**

**Adoption of CR 15-006 Amending REEB 16.06 Relating to Approved Forms**

**MOTION:** Randal Savaglio moved, seconded by Dennis Pierce, to approve the Adoption Order for Clearinghouse Rule 15-006 amending REEB 16.06 relating to approved forms. Motion carried unanimously.

**Draft Amending REEB 24 Relating to Revocation Due to Felony Conviction**

**MOTION:** Randal Savaglio moved, seconded by Dennis Pierce, to approve the creation of REEB 24.17(2m) relating to revocation due to felony conviction for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Randal Savaglio moved seconded by Dennis Pierce, 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; Kitty Jedwabny-yes; Dennis Pierce-yes; Randal Savaglio-yes. Motion carried unanimously.

The Board convened into closed session at 10:19 a.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Randal Savaglio moved, seconded by Marie Hetzer, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:31 a.m.

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

**MOTION:** Randal Savaglio moved, seconded by Dennis Pierce, to affirm all votes made in Closed Session. Motion carried unanimously.

### MOTION TO DESIGNATE MICHAEL J. BERNDT, DEPARTMENT CHIEF LEGAL COUNSEL, AS FINAL DECISION MAKER

#### 13 REB 018 (S.J.C., M.M., and M.I.R.)

**MOTION:** Randal Savaglio moved, seconded by Marie Hetzer, to delegate to Michael J. Berndt, Department Chief Legal Counsel, the Board's authority to preside over and resolve disciplinary matter 13 REB 018 (S.J.C., M.M., and M.I.R.). Motion carried unanimously.

### DELIBERATION ON ADMINISTRATIVE WARNINGS

**MOTION:** Marie Hetzer moved, seconded by Randal Savaglio, to issue Administrative Warnings in the following matters:

1. 11 REB 055 and 11 REB 113 (M.J.H. and F.P.S.L.)
2. 13 REB 050 (W.D.K. and A.C.S.I.)
3. 13 REB 130 (J.M.M.)
4. 13 REB 130 (N.A.S.)
5. 13 REB 130 (W.I.M.N.)

Motion carried unanimously.

## **DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISION AND ORDERS**

**MOTION:** Dennis Pierce moved, seconded by Marie Hetzer, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 REB 008 – Deb M. Lamia and Green Door Realty & Property Management, LLC.
2. 13 REB 050 – David J. Vander Schaaf
3. 13 REB 074 – David B. Price and Milwaukee Realty, Inc.
4. 13 REB 075 – Brenda K. Bruyette
5. 13 REB 076 – Beth A. Davis
6. 13 REB 084 – Donald R. Peacock
7. 13 REB 098 – Ethan E. Marr
8. 13 REB 108 – Rebecca Funmaker

Motion carried unanimously.

### **CASE CLOSINGS**

**MOTION:** Dennis Pierce moved, seconded by Randal Savaglio, to close the following cases for the reasons outlined below:

1. 13 REB 046 – Insufficient Evidence (IE)
2. 13 REB 055 (O.N.R.) – No Violation (NV)
3. 13 REB 055 (I.R.K.) – Prosecutorial Discretion (P3)
4. 13 REB 075 (C.B.R.R.E.L. and J.A.H.) – Prosecutorial Discretion (P1)
5. 13 REB 076 (L.C.F. and B.V.U.I.) – Prosecutorial Discretion (P7)
6. 13 REB 076 (G.A.D and J.P.R.) – No Violation (NV)
7. 13 REB 084 (W.D.K. and A.C.S.I.) – No Violation (NV)
8. 13 REB 095 – Prosecutorial Discretion (P5 – Flag)
9. 13 REB 098 (M.H.P. and M.R.L.) – No Violation (NV)
10. 13 REB 108 (L.C.F., T.L.M., and B.V.U.I.) – Prosecutorial Discretion (P7)
11. 13 REB 120 – Prosecutorial Discretion (P3)
12. 13 REB 130 (S.M.G.) – No Violation (NV)
13. 14 REB 023 – Prosecutorial Discretion (P5-Flag)

Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Randal Savaglio moved, seconded by Stephen Beers, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:37 a.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>3 August 2015</b>  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:  <b>Real Estate Examining Board</b>			
4) Meeting Date:  <b>13 August 2015</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on Clearinghouse Rule 15-051 relating to revocation due to felony conviction</b>  <b>Review and respond to Clearinghouse Report and Public Hearing comments</b>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Hold Public Hearing at 10:00 a.m.</b>  <b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b>			
11) Authorization  <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center; width: 45%;"> <p style="font-size: 1.2em; font-style: italic;"><b>Sharon Henes</b></p> <hr/> <p>Signature of person making this request</p> </div> <div style="text-align: center; width: 45%;"> <p style="font-size: 1.2em; font-style: italic;"><b>3 August 2015</b></p> <hr/> <p>Date</p> </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 45%;"> <p>Supervisor (if required)</p> </div> <div style="width: 45%;"> <p>Date</p> </div> </div> <hr/> <p>Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</p>			
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.			

## **Notice of Hearing**

The Real Estate Examining Board announces that it will hold a public hearing on a permanent rule, create REEB 24.17 (2m) relating to revocation due to felony conviction at the time and place shown below.

### **Hearing Information**

Date: August 13, 2015  
Time: 10:00 a.m.  
Location: 1400 East Washington Avenue, Room 121C  
Madison, Wisconsin

### **Appearances at the Hearing and Submittal of Written Comments**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the hearing on August 13, 2015 to be included in the record of rule-making proceedings.

The rule may be reviewed and comments made at <http://dsps.wi.gov/Boards-Councils/Rulemaking/Public-Hearing-Comments> no later than August 13, 2015.

### **Initial Regulatory Flexibility Analysis**

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

### **Agency Small Business Regulatory Coordinator**

Eric Esser, (608) 266-2435, Eric.Esser@wisconsin.gov

STATE OF WISCONSIN  
REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD  
REAL ESTATE EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Real Estate Examining Board to create REEB 24.17 (2m) relating to revocation due to felony conviction.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 452.14 (3) (p)

**Statutory authority:** s. 15.08 (5) (b)

**Explanation of agency authority:**

The Real Estate Examining Board shall promulgate rules for the guidance of the profession to which it pertains, and define and enforce professional conduct and unethical practices relating to the profession.

**Related statute or rule:** N/A

**Plain language analysis:**

This rule includes a basis for revocation for a license created by 2013 Act 288. A license or registration may be revoked if the person is convicted of a felony which is a bar from licensure or registration.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** The Department may refuse to issue or renew a license, may place on probation, suspend or revoke any license based upon the conviction of or plea of guilty or plea of nolo contendere to a felony.

**Iowa:** The licensing board may revoke or suspend a license for a conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

**Michigan:** Michigan does not list a felony conviction as a basis for revocation.

**Minnesota:** Minnesota does not list a felony conviction as a basis for revocation.

**Summary of factual data and analytical methodologies:**

The Board incorporated the new basis for revocation into the conduct and ethical practices chapter of the rules.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

This rule was posted for 14 days for economic comments and none were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the hearing on August 13, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. REEB 24.17 (2m) is created to read:

REEB 24.17 (2m) **FELONY CONVICTION.** The board may revoke a license or registration on the basis of a conviction of a felony that is a bar to licensure or registration under s. 452.25 (1) (a), Stats.

SECTION 2. **EFFECTIVE DATE.** The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

REEB 24.17

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3. Subject

Relating to felony conviction as grounds for revocation

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

2013 Act 288 created a provision that a license or registration may be revoked if a person is convicted of a felony which is a bar from licensure or registration.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The rule was posted for economic impact comments and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.

None. It does not affect local governments.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule does not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local government units or the economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is the Board's rules defining conduct which may result in discipline outlines this new basis for revocation. The alternative is this basis for revocation not be included in the conduct and ethical practices chapter and stakeholders not be aware of the new grounds for revocation due to not being included with the grounds for discipline enumerated in the rule.

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14. Long Range Implications of Implementing the Rule

The long range implication is conformity between statute and rule.

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15. Compare With Approaches Being Used by Federal Government

None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois may refuse to issue or renew a license, may place on probation, suspend or revoke any license based upon the conviction of or plea of guilty or plea of nolo contendere to a felony.

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

Iowa may revoke or suspend a license for a conviction of a felony related to the profession of real estate.  
Michigan and Minnesota does not list a felony conviction as a basis for revocation.

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17. Contact Name

Sharon Henes

18. Contact Phone Number

(608) 261-2377

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This document can be made available in alternate formats to individuals with disabilities upon request.



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Margit S. Kelley**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 15-051

AN ORDER to create REEB 24.17 (2m), relating to revocation due to felony conviction.

Submitted by **REAL ESTATE EXAMINING BOARD**

07-09-2015 RECEIVED BY LEGISLATIVE COUNCIL.

08-04-2015 REPORT SENT TO AGENCY.

SG:RES

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached            YES             NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached            YES             NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached            YES             NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached            YES             NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached            YES             NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached            YES             NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached            YES             NO



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 15-051

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### 1. Statutory Authority

The board should include a citation to s. 452.07 (1), Stats., to support its authority to promulgate rules defining the professional conduct and unethical practice of real estate.

#### 2. Form, Style and Placement in Administrative Code

a. In the analysis of the proposed rule, the board should make it clear that the text included in the explanation of agency authority is quoted statutory language. This could be accomplished by inserting citations to the appropriate statutes.

b. In the statutes interpreted and statutory authority sections of the analysis, the notation “, Stats.” should be added after each statutory citation. [s. 1.07 (2) (Table), Manual.]

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. A comma should be inserted between “REEB 24.17 (2m)” and “relating” in the introductory clause.

b. The board should replace “for” with “of” following “revocation” in the first sentence of the plain language analysis so that it reads “a basis for revocation of a license”.

c. The board should insert “or” between “license,” and “may” in the description of Illinois law.

d. In SECTION 2 of the proposed rule, “administrative register” should be capitalized because the reference is to a proper name. [s. 1.01 (4), Manual.]

e. The board may consider expanding its plain language analysis, for the sake of the public’s understanding, to explain why the board needs specific statutory authorization to revoke a license or registration on the basis of a felony conviction. The purpose of the plain language analysis is to provide an understandable description of the effect of the rule, which, in this case, is to expand the scope of criminal activity for which the board may discipline a licensee. [s. 1.02 (2) (b), Manual.]

The board has the authority under s. 15.08 (5) (b), Stats., to “define and enforce professional conduct and unethical practices” for the profession. However, under Wisconsin law, a person generally may not face employment consequences on the basis of an arrest or conviction record unless the circumstances of the crime are substantially related to the circumstances of the particular job or licensed activity. [s. 111.335, Stats.] Under its authority and within the statutory employment discrimination parameters, the board previously promulgated s. REEB 24.17 (1) and (2), stating that licensees may be subject to discipline for any violation of the law or criminal conviction as long as the circumstances of the violation or conviction are substantially related to real estate practice. The board did not, however, possess the authority to promulgate a rule allowing the discipline of licensees on the basis of a crime if the circumstances of the crime were not substantially related to real estate practice.

2013 Wisconsin Act 288 (Act 288) specifically created an exception to the general employment discrimination statute by prohibiting the board from issuing a license to a person who has been convicted of a felony. [s. 452.25, Stats.] Act 288 also specifically gave the board the authority to revoke, suspend or limit a person’s real estate license if the person is convicted of a felony that would bar licensure. [s. 452.14 (3) (p), Stats.] Therefore, under Act 288, the board may revoke a license on the basis of a felony conviction, whether or not the crime is substantially related to real estate practice, without violating Wisconsin’s employment discrimination law.



# State of Wisconsin



2015 Assembly Bill 33

Date of enactment: **July 1, 2015**  
Date of publication\*: **July 2, 2015**

## 2015 WISCONSIN ACT 47

AN ACT *to amend* 452.137 (4) (a) of the statutes; **relating to:** cooperative agreements for out-of-state real estate brokers, salespersons, and time-share salespersons.

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

452.137 (4) (a) The board shall, ~~by rule,~~ establish the form and terms of the cooperative agreement.

**SECTION 1.** 452.137 (4) (a) of the statutes is amended to read:

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\* Section 991.11, WISCONSIN STATUTES: 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."

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Brittany Lewin Executive Director</b>		<b>2) Date When Request Submitted:</b>  <b>8/6/15</b> <small>Items will be considered late if submitted after 12:00 p.m. and less than:              ▪ 8 work days before the meeting</small>										
<b>3) Name of Board, Committee, Council, Sections:</b> <b>Real Estate Examining Board</b>												
<b>4) Meeting Date:</b>  <b>8/13/15</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>Real Estate Contractual Forms Advisory Council Update</b>										
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b>  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>										
<b>10) Describe the issue and action that should be addressed:</b>  Included in the packet for the REEB's review are recommended form updates from the Real Estate Contractual Forms Council for WB-40, WB-41, WB-44 and WB-45. In addition, there will be a verbal update on WB-42 and WB-1.												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>11) Signature of person making this request</b></td> <td style="width: 20%; text-align: center;"><b>Authorization</b></td> <td style="width: 20%; text-align: right;"><b>Date</b></td> </tr> <tr> <td style="border-top: 1px solid black;">Supervisor (if required)</td> <td></td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td></td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> </table>				<b>11) Signature of person making this request</b>	<b>Authorization</b>	<b>Date</b>	Supervisor (if required)		Date	Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date
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Supervisor (if required)		Date										
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date										
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.												

**WB-40 AMENDMENT TO OFFER TO PURCHASE**

**CAUTION: Use a WB-40 Amendment if both Parties will be agreeing to modify the terms of the Offer.  
Use a WB-41 Notice if a Party is giving a Notice which does not require the other Party's agreement.**

1 Buyer and Seller agree to amend the Offer dated \_\_\_\_\_, and accepted \_\_\_\_\_, for  
2 the purchase and sale of real estate at \_\_\_\_\_  
3 \_\_\_\_\_, Wisconsin as follows:  
4 Closing date is changed from \_\_\_\_\_, \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_.  
5 Purchase price is changed from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.  
6 Other: \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
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25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_

28 The attached \_\_\_\_\_ is/are made part of this Amendment.  
29 ALL OTHER TERMS OF THE OFFER TO PURCHASE AND ANY PRIOR AMENDMENTS REMAIN THE SAME.  
30 This Amendment is binding upon Seller and Buyer only if a copy of the accepted Amendment is delivered to the Party  
31 offering the Amendment on or before \_\_\_\_\_ (Time is of the Essence). Delivery  
32 of the accepted Amendment may be made in any manner specified in the Offer to Purchase, unless otherwise provided  
33 in this Amendment.  
34 **NOTE: The Party offering this Amendment may withdraw the offered Amendment prior to acceptance and**  
35 **delivery as provided at lines 30-33.**

36 This Amendment was drafted by \_\_\_\_\_ on \_\_\_\_\_  
37 Licensee and Firm ▲ Date ▲

38 This Amendment was presented by \_\_\_\_\_ on \_\_\_\_\_  
39 Licensee and Firm ▲ Date ▲

40 (x) \_\_\_\_\_ (x) \_\_\_\_\_  
41 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲  
42 Print name ► Print name ►

43 (x) \_\_\_\_\_ (x) \_\_\_\_\_  
44 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲  
45 Print name ► Print name ►

46 This Amendment was rejected \_\_\_\_\_  
47 Party Initials ▲ Date ▲ Party Initials ▲ Date ▲

**WB-41 NOTICE RELATING TO OFFER TO PURCHASE**

**CAUTION: Use a WB-41 Notice if a Party is giving a Notice which does not require the other Party's agreement.  
Use a WB-40 Amendment if both Parties will be agreeing to modify the terms of the Offer.**

1 This Notice by (Seller)(Buyer) STRIKE ONE relates to the Offer to Purchase dated \_\_\_\_\_, \_\_\_\_\_  
2 and accepted \_\_\_\_\_, \_\_\_\_\_, for the purchase and sale of real estate at \_\_\_\_\_  
3 \_\_\_\_\_, Wisconsin.

4 Notice is given that (Attach supporting documents, if required): \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
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23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_

27 The attached \_\_\_\_\_ is/are made part of this Notice.

28 This Notice was drafted by \_\_\_\_\_ on \_\_\_\_\_  
29 Licensee and Firm for Initiating Party▲ Date ▲

30 **CAUTION: Once delivered, a Notice cannot be withdrawn by the Initiating Party without the written consent of**  
31 **the Receiving Party.**

32 (x) \_\_\_\_\_ (x) \_\_\_\_\_  
33 Signature of Party Initiating Notice ▲ Date ▲ Signature of Party Initiating Notice ▲ Date ▲  
34 Print name ► Print name ►

35 This Notice was delivered by \_\_\_\_\_ on \_\_\_\_\_  
36 Licensee and Firm for Initiating Party▲ Date ▲  
37 at \_\_\_\_\_ a.m./p.m. STRIKE ONE using an authorized method of delivery

38 **ACTUAL RECEIPT** If the Offer requires Actual Receipt the following may be completed

39 This Notice was sent to the Receiving Party by \_\_\_\_\_ on \_\_\_\_\_  
40 Licensee and Firm for Receiving Party▲ Date▲  
41 at \_\_\_\_\_ a.m./p.m. STRIKE ONE

42 Receiving Party acknowledges Actual Receipt of this Notice occurred on \_\_\_\_\_ at \_\_\_\_\_  
43 a.m./p.m. STRIKE ONE (x) \_\_\_\_\_  
44 Initials of Receiving Party ▲

**WB-44 COUNTER-OFFER**

Counter-Offer No. \_\_\_\_\_ by (Buyer/Seller) **STRIKE ONE**

**NOTE: Number this Counter-Offer sequentially, e.g. Counter-Offer No. 1 by Seller, Counter-Offer No. 2 by Buyer, etc.**

1 The Offer to Purchase dated \_\_\_\_\_ and signed by Buyer \_\_\_\_\_  
2 for purchase of real estate at \_\_\_\_\_  
3 \_\_\_\_\_ is rejected and the following Counter-Offer is hereby made.

4 **CAUTION: This Counter-Offer does not include the terms or conditions in any other counter-offer or multiple**  
5 **counter-proposal unless incorporated by reference.**

6 All terms and conditions remain the same as stated in the Offer to Purchase except the following: \_\_\_\_\_

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
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26 \_\_\_\_\_  
27 \_\_\_\_\_

28 The attached \_\_\_\_\_ is/are made part of this Counter-Offer.

29 Any warranties, covenants and representations made in this Counter-Offer survive the closing of this transaction.

30 This Counter-Offer is binding upon Seller and Buyer only if a copy of the accepted Counter-Offer is delivered to the  
31 Party making the Counter-Offer on or before \_\_\_\_\_

32 (Time is of the Essence). Delivery of the accepted Counter-Offer may be made in any manner specified in the Offer to  
33 Purchase, unless otherwise provided in this Counter-Offer.

34 **NOTE: The Party making this Counter-Offer may withdraw the Counter-Offer prior to acceptance and delivery**  
35 **as provided at lines 30-33.**

36 This Counter-Offer was drafted by \_\_\_\_\_ on \_\_\_\_\_  
37 Licensee and Firm ▲ Date ▲

38 (x) \_\_\_\_\_ (x) \_\_\_\_\_  
39 Signature of Party Making Counter-Offer ▲ Date ▲ Signature of Party Accepting Counter-Offer ▲ Date ▲  
40 Print name ► Print name ►

41 (x) \_\_\_\_\_ (x) \_\_\_\_\_  
42 Signature of Party Making Counter-Offer ▲ Date ▲ Signature of Party Accepting Counter-Offer ▲ Date ▲  
43 Print name ► Print name ►

44 This Counter-Offer was presented by \_\_\_\_\_ on \_\_\_\_\_  
45 Licensee and Firm ▲ Date ▲

46 This Counter-Offer is (rejected)(countered) **STRIKE ONE** (Party's Initials) \_\_\_\_\_ (Party's Initials) \_\_\_\_\_

47 **NOTE: Provisions from a previous Counter-Offer may be included by reproduction of the entire provision or**  
48 **incorporation by reference. Provisions incorporated by reference may be indicated in the subsequent Counter-**  
49 **Offer by specifying the number of the provision or the lines containing the provision. In transactions involving**  
50 **more than one Counter-Offer, the Counter-Offer referred to should be clearly specified.**

**WB-45 Cancellation Agreement & Mutual Release**

1 The undersigned Parties agree that the \_\_\_\_\_  
2  insert type of contract, e.g., offer to purchase, lease, option, etc. (Contract) dated \_\_\_\_\_, for the  
3 property located at \_\_\_\_\_, in  
4 the \_\_\_\_\_ of \_\_\_\_\_, State of Wisconsin, be canceled and the Parties hereby  
5 release all of their right, title, and interest in and to the Contract, and any and all claims arising out of the transaction.

6 The Parties hereby release the broker(s) from any and all liability for disbursing the trust funds as directed and hereby  
7 authorize and direct the broker(s) to disburse the trust funds held on behalf of the Parties as follows:

8 \$ \_\_\_\_\_ shall be disbursed to \_\_\_\_\_ at  
9 the following address \_\_\_\_\_,

10 \$ \_\_\_\_\_ shall be disbursed to \_\_\_\_\_ at  
the following address \_\_\_\_\_.

11 This Cancellation Agreement and Mutual Release (CAMR) shall be effective only if all Parties to the Contract have  
12 signed an identical copy of this CAMR (including signatures on separate but identical copies of the CAMR), and if the  
13 fully-executed CAMR has been delivered to the Party initiating the CAMR on or before \_\_\_\_\_  
14 \_\_\_\_\_. Delivery may be made in any manner authorized in the Contract.

15 **NOTE: The Party initiating this CAMR may withdraw the CAMR prior to acceptance and delivery as provided at**  
16 **lines 12-15.**

17 (X) \_\_\_\_\_  
18 Party's Signature ▲ Print Name Here • Date ▲

19 (X) \_\_\_\_\_  
20 Party's Signature ▲ Print Name Here • Date ▲

21 (X) \_\_\_\_\_  
22 Party's Signature ▲ Print Name Here • Date ▲

23 (X) \_\_\_\_\_  
24 Party's Signature ▲ Print Name Here • Date ▲

25 (X) \_\_\_\_\_  
26 Party's Signature ▲ Print Name Here • Date ▲

27 (X) \_\_\_\_\_  
28 Party's Signature ▲ Print Name Here • Date ▲

29 (X) \_\_\_\_\_  
30 Party's Signature ▲ Print Name Here • Date ▲