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**REAL ESTATE EXAMINING BOARD**  
**Room 121A, 1400 East Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**October 15, 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 (1-3)**

**B. Approval of the Minutes of August 13, 2015 (4-6)**

**C. Administrative Matters**

1. Staff Updates

**D. Legislative/Administrative Rule Matters (7-9)**

1. REEB 15 and 18 Relating to Electronic Records
2. Withdraw CR 15-026 Relating to Cooperative Broker Agreements
3. Rules Committee Update
4. Update on Legislation and Pending or Possible Rulemaking Projects

**E. Real Estate Contractual Forms Advisory Council Update**

1. Review and Consider Approval of Revised Real Estate Forms
  - a. Forms Council Update

**F. 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)

**G. 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.).**

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

1. Harvey J. Goldstein, Respondent (DHA case # SPS-15-0027)(DLSC case # 15 REB 002) **(10-19)**

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

1. 13 REB 058 and 14 REB 033 – Malico K. Watson and Orange Ave. Realtors, LLC **(20-28)**
2. 14 REB 034 – Glena D. Kojis and Kivley, LLC **(29-35)**

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

1. 14 REB 069 (R.J.B.J.) **(36-37)**

**K. Presentation and Deliberation on Monitoring Matters**

**L. Case Closing(s)**

1. 13 REB 056 **(38-42)**
2. 14 REB 034 **(43-50)**
3. 14 REB 036 **(51-57)**
4. 14 REB 046 **(58-63)**
5. 14 REB 053 **(64-67)**
6. 14 REB 062 **(68-72)**
7. 14 REB 069 **(73-77)**
8. 14 REB 111 **(78-81)**
9. 14 REB 123 **(82-85)**

**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**

**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  
AUGUST 13, 2015**

**PRESENT:** Stephen Beers, Marie Hetzer, Kitty Jedwabny (*via GoToMeeting*), Brian McGrath, Michael Mulleady (*via GoToMeeting*), Randal Savaglio (*via GoToMeeting*), Dennis Pierce

**STAFF:** Brittany Lewin, Executive Director; Sharon Henes, Administrative Rules Coordinator; Kimberly Wood, Bureau Assistant; and Other Department Staff

**CALL TO ORDER**

Stephen Beers, Chair, called the meeting to order at 10:05 a.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF AGENDA**

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

**APPROVAL OF THE MINUTES OF JUNE 18, 2015**

**MOTION:** Marie Hetzer moved, seconded by Dennis Pierce, to approve the minutes of June 18, 2015 as published. Motion carried.

**PUBLIC HEARING: CLEARINGHOUSE RULE 15-051, RELATING TO REVOCATION DUE TO FELONY CONVICTION**

**Review and Respond to Clearinghouse Report and Public Hearing Comments**

**MOTION:** Michael Mulleady moved, seconded by Randal Savaglio, to accept all Clearinghouse comments for CR 15-051, relating to revocation due to felony conviction. Motion carried unanimously.

**MOTION:** Stephen Beers moved, seconded by Marie, to designate Stephen Beers to approve the Legislative Report for Clearinghouse Rule 15-051, for submission to the Governor's Office and the Legislature. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Update on REEB 12 and 25, Relating to Licensure and Education**

**MOTION:** Brian McGrath moved, seconded by Randal Savaglio, to adopt the CR 15-010, upon conclusion of the Legislative review, and to designate Stephen Beers to sign the Adoption Order. Motion carried unanimously.

**REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL UPDATE**

**Review and Consider Approval of Revised Real Estate Forms**

**WB-40 Amendment to Offer to Purchase, WB-41 Notice Relating to Offer to Purchase, WB-44 Counter-Offer, and WB-45 Cancellation Agreement & Mutual Release**

**MOTION:** Randal Savaglio moved, seconded by Dennis Pierce, to adopt the recommended changes to forms WB-40, WB-41, WB-44, and WB-45, and to delegate final approval to Stephen Beers. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Brian McGrath moved, seconded by Marie Hetzer, 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; Brian McGrath-yes; Michael Mulleady-yes; Dennis Pierce-yes; Randal Savaglio-yes. Motion carried unanimously.

The Board convened into closed session at 10:28 a.m.

**RECONVENE TO OPEN SESSION**

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

The Board reconvened into open session at 11:06 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

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

**PRESENTATION AND DELIBERATION ON MONTIORING MATTERS"**

**James Snyder – Requesting Full Unrestricted License**

**MOTION:** Dennis Pierce moved, seconded by Marie Hetzer, to grant the request of James Snyder for a full unrestricted license. Motion carried unanimously.

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

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

1. 13 REB 056 – Ryan P. Richeson
2. 14 REB 028 – Monica Miller

Motion carried unanimously.

**13 REB 054, 13 REB 094, 14 REB 105 – Sean C. Lentz, Exsell Real Estate Expert**

**MOTION:** Marie Hetzer moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against **13 REB 054, 13 REB 094, 14 REB 105 – Sean C. Lentz, Exsell Real Estate Experts.** Motion carried.

**PRESENTATION AND DELIBERATION ON ADMINISTRATIVE WARNINGS**

**MOTION:** Dennis Pierce moved, seconded by Michael Mulleady, to issue Administrative Warnings in the following cases:

1. 14 REB 039 (C.D.O.)
2. 14 REB 136 (K.A.C.)
3. 14 REB 147 (T.L.V.)

Motion carried unanimously.

**CASE CLOSING(S)**

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

1. 13 REB 115 (T.W.B.) – Prosecutorial Discretion (P1)
2. 13 REB 131 (J.L.H.) – Prosecutorial Discretion (P5-Flag)
3. 14 REB 028 (T.A.M. and M.B.R.E.S.) – No Violation
4. 14 REB 039 (R.V.R. and R.C.O.) – No Violation

Motion carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 11:07 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</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>6 October 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>15 October 2015</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> <b>1. REEB 15 and 18 Relating to Electronic Records</b> <b>2. Withdraw CR 15-026 Relating to Cooperative Broker Agreements</b> <b>3. Update on Legislation and Pending and Possible Rulemaking Projects</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:			
11) Authorization			
<i><b>Sharon Henes</b></i>		<i><b>6 October 2015</b></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.			

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TEXT OF RULE

SECTION 1. REEB 15 (chapter title is amended to read)

~~BROKER'S OBLIGATION TO FURNISH COPIES AND MAINTAIN RECORDS~~

SECTION 2. REEB 15.02 (1) is amended to read:

REEB 15.02 Copies of documents (1) A broker or salesperson shall promptly provide an exact and complete copy of any document utilized, prepared or received by the licensee in real estate practice to any person who has signed the document.

SECTION 3. REEB 15.02 (3) is amended to read:

REEB 15.02 (3) A broker or sales person shall promptly distribute an exact and complete copy of a license or rental agreement which has been accepted and signed by all parties to the tenant upon execution of the lease or rental agreement when the tenant leases the property and to the landlord upon the landlord's request.

SECTION 4. REEB 15.02 (4) is created to read:

REEB 15.02 (4) A broker or salesperson shall promptly distribute an exact and complete copy of an agency agreement which has been accepted and signed by all parties to the client when the client signs an agency agreement.

SECTION 5. REEB 15.03 is repealed.

SECTION 6. REEB 15.04 is amended to read:

REEB 15.04 Retention of records. (1) ~~A broker firm shall retain for at least 3 years exact and complete copies of all listing contracts, agency agreements, offers to purchase, leases, closing statements, deposit receipts, cancelled checks, trust account records and other documents or correspondence received or prepared by the broker licensees in connection with any transaction. The retention period shall run from the date of closing of the transaction or, if the transaction has not been consummated, from the date of listing the agency agreement. The broker shall make these~~ These records shall be available for inspection and copying by the board. If the records are retained outside this state, or stored electronically or digitally, the broker firm shall, upon request to the board, promptly send exact and complete copies to the department without charge to the department or board. Electronic or digital means may be used to retain records. (2) A broker or sales person shall submit in a timely manner documents and records related to transactions that are used or received by the salesperson or broker to assist in complying with par. (1).

SECTION 7. REEB 18.13 (6) (e) is amended to read:

REEB 18.13 (6) (e) All records ~~which are not maintained as written paper records are capable of being immediately converted to written paper records and immediately shall be made available for inspection and copying by the department and exact and completed copies promptly sent to the department upon the request of the department~~ without charge to the department or board for the purposes of an audit or investigation.

SECTION 8. 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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