

**REAL ESTATE BOARD  
MEETING MINUTES  
OCTOBER 29, 2009**

**PRESENT:** Stephen Beers, Peter Sveum, Robert Dueholm, Kenneth Lee, Lisabeth Weirich, Dennis Pierce, and Ryan Schroeder

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

**GUESTS:** Kevin King and Cori Lamont, Wisconsin Realtors Association (WRA)

**CALL TO ORDER**

Peter Sveum, Chair, called the meeting to order at 10:05 a.m. A quorum of seven (7) members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Remove Item U 07 REB 076
- Remove Item HH 07 REB 076
- Remove Items I-K – appearances
- Remove Item S 07 REB 027
- Add missing pages at page 136
- Add Administrative warning as item LL 07 REB 010 at end of the agenda
- Add Proposed Rule changes to RL 24.05 and 15

**MOTION:** Dennis Pierce moved, seconded by Steven Beers, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (August 20, 2009)**

**Corrections to the Minutes**

- Remove Scott Minter from absences

**MOTION:** Dennis Pierce moved, seconded by Ryan Schroeder, to approve the Minutes of August 20, 2009 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
YOLANDA MCGOWAN, BUREAU DIRECTOR**

**Election of Officer For 2010**

Elections are being held at this time to accommodate global chair/vice-chair training on December 3 & 4, 2009. The officers will not take office until the first meeting of 2010.

<b>2009 Officers</b>	Chairperson	Peter Sveum
	Vice-Chair	Lisabeth Weirich
	Secretary	Dennis Pierce

**NOMINATION:** Robert Dueholm nominated the current slate of officers to serve as officers for the 2010 calendar year. The chair called for additional nominations three times before calling the vote. The 2009 officers were re-elected by unanimous vote.

**PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF  
ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

No presentations were given on the Proposed Stipulations, listed below.

- |   |            |
|---|------------|
| 1. Frederick J. Haney                                 | 06 REB 062 |
| 2. Lisa M. Mathie                                     | 07 REB 057 |
| 3. Glen M. Witter and Security Realty of Wausau, Inc. | 07 REB 057 |
| 4. Erik R. Johnson                                    | 09 REB 050 |

**ENFORCEMENT**

**Discussion and Request for Delegation of Related Authority to Department Monitor**

Sharon Henes, Department Monitor, indicated that the language has been changed from “shall suspend” to “may suspend”. She also asked that the board designated liaison be able to suspend or not to suspend or to lift the suspension once certain criteria have been met. Additionally, this would create an actual order of suspension based on the authority to issue an order being granted to the monitor based on the revised language.

**MOTION:** Robert Dueholm moved, seconded by Steven Beers, to grant the delegation of authority as requested for the monitor to suspend per the liaison’s or Board’s recommendation, to remove the suspension once the continuing education/forfeitures/costs requirement is completed, and to issue an order removing limitation for the licensees whose orders state the limitation shall be removed upon completion of the continuing education. Motion carried unanimously.

### **Presentation and Discussion Related to Division of Enforcement's 18-month Commitment**

Yolanda McGowan introduced Lydia Thompson and Bruce Cameron, both from the Department. They shared a PowerPoint presentation outlining the goal of the Department to close a case opened for investigation within 18 months. The Real Estate Profession has 244 open cases – of which 19 are from 2006, and some from 2007. The 18-month committee is asking for support, ideas and feedback from the Board to Yolanda and she will forward to the committee.

### **Review and Discuss Disciplinary Guidelines for Unlicensed Practice**

This item was tabled until the next meeting to give Board members an opportunity to send recommended changes to Ms. McGowan.

## **LEGISLATIVE/ADMINISTRATIVE RULES**

### **Update Regarding Ad Hoc Committee on Real Estate Education and Experience Licensure Requirements**

Yolanda McGowan told the Board that the committee has finalized their recommendation regarding education for new licensees. They are now considering broker licensure requirements, and have discussed requiring 2 years of documented transaction experience to obtain a broker license.

### **Review Form WB-11 Offer to Purchase and Ancillary forms – WB-40, WB-41, WB-42 and WB-47**

There have been a couple additional changes to the WB-11 since approved by the Board, however the changes that were made do not affect the content. The WB-40, 41, 42 and 47 have also been updated and forwarded for posting on the DRL website.

### **Update regarding Revisions to Rule Draft RL 24 Relating to Conduct and Ethical Practices for Real Estate Licensees**

Peggy Wichmann handed out the current rule and a red-line version of the new rule. Additional revisions were suggested.

### **Discuss Potential Revisions to RL 18 and RL 16**

These items will appear as an ongoing agenda item.

### **Discuss Potential Revisions to RL 15**

The Board discussed this rule which creates an option of storing the paper copies for 18 months and then allowing a conversion to electronic documents. The Board expressed concern regarding which “notes” needed to be included in the rule. Lisabeth Weirich asked for a better

understanding of what the Department's expectations are relative to "notes" and how to relay that information to the practitioners.

**REVIEW AND CONSIDER CORRESPONDENCE RELATED TO  
RECENT CHANGES IN THE TIMESHARE INDUSTRY**

Candace Bloedow, Division of Enforcement, told the Board that the timeshare form does not reflect what is happening in the industry. She recommended that we redesign the forms to reflect the current trends. Ryan Schroeder suggested that we consider a legislative change and Ms. Bloedow told the Board that the process is much longer than the time available in this legislative session.

**REVIEW CORRESPONDENCE FROM ALABAMA REAL ESTATE  
COMMISSION REGARDING RECIPROCAL LICENSES**

Received for information only.

**EXAMINATION, EDUCATION AND EXPERIENCE ISSUES**

None.

**PRACTICE ISSUES**

None.

**MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

**PUBLIC COMMENTS**

None.

**CONVENE TO CLOSED SESSION**

**MOTION:** Lisabeth Weirich moved, seconded by Ryan Schroeder, to convene to Closed Session to deliberate on cases following hearings (s. 19.85 (1) (a), Stats.); to consider 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; Peter Sveum-yes; Robert Dueholm-yes; Kenneth Lee-yes; Dennis Pierce-yes; Ryan Schroeder-yes; and Lisabeth Weirich-yes. Motion carried unanimously.

Open session recessed at 12:15 p.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Ryan Schroeder moved, seconded by Dennis Pierce, to reconvene into Open Session at 12:36 p.m. Motion carried unanimously.

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

**DELIBERATION ON DISCIPLINARY PROCEEDINGS OR ANY THAT MAY BE RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Steven Beers moved, seconded by Kenneth Lee, to issue the administrative warning in the matter of **07 REB 010** and **09 REB 053**. Motion carried unanimously.

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR ANY RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Lisabeth Weirich moved, seconded by Steven Beers, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 06 REB 098 No Violation
2. 06 REB 215 No Violation
3. 06 REB 231 Insufficient Evidence
4. 06 REB 253 Insufficient Evidence
5. 06 REB 281 Prosecutorial Discretion (P5)
6. 07 REB 027 Insufficient Evidence
7. 07 REB 029 Insufficient Evidence
8. 07 REB 079 Prosecutorial Discretion (P5)
9. 07 REB 151 No Violation
10. 07 REB 152 No Violation
11. 07 REB 199 Prosecutorial Discretion (P3)
12. 08 REB 024 Prosecutorial Discretion (P5)
13. 08 REB 167 Prosecutorial Discretion (P3)
14. 08 REB 196 No Violation
15. 08 REB 204 Lack of Jurisdiction (L1)
16. 09 REB 050 No Violation

**DELIBERATION ON PROPOSED STIPULATIONS OR ANY RECEIVED AFTER MAILING OF AGENDA**

**MOTION:** Robert Dueholm moved, seconded by Ryan Schroeder, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Frederick J. Haney (06 REB 062), Lisa M. Mathie (07 REB 057), Glen M. Witter and Security Realty Of Wausau, Inc (07 REB 057), and Erik R. Johnson (09 REB 050). Motion carried unanimously.

**DELIBERATION ON PROPOSED DECISIONS OR ANY THAT  
MAY BE RECEIVED AFTER MAILING OF AGENDA**

**MICHAEL H. GRANGER  
LS0906181 REB**

**MOTION:** Steven Beers moved, seconded by Kenneth Lee, to adopt the Proposed Decision in the matter of Michael H Granger. Motion carried unanimously.

**CONSULTING WITH LEGAL COUNSEL**

The Board consulted with legal counsel throughout the meeting as the need was identified.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

**MOTION:** Robert Dueholm moved, seconded by Steven Beers, to approve the 24.05 draft rule as presented today and to grant Peter Sveum the authority to approve the final draft of RL24 on behalf of the Board.

**DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings**

Signatures were collected for all required documents.

**OTHER BOARD BUSINESS**

Next Meeting: December 3, 2009 – 10:00 AM

The Board thanked Peggy Wichmann for her service to the Board.

**ADJOURNMENT**

**MOTION:** Kenneth Lee moved, seconded by Lisabeth Weirich, to adjourn the meeting at 12:41 p.m. Motion carried unanimously.