

**REAL ESTATE EXAMINING BOARD  
MEETING MINUTES  
NOVEMBER 16, 2011**

Present: Mike Mulleady, Stephen Beers, Marie Hetzer and Randy Savaglio

Not Present: Dennis Pierce

Guests: Cori Lamont and Tammy Wagner

Staff: Denise Aviles, Executive Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Denise Aviles, Executive Director, called the meeting to order at 9:05 a.m. A quorum of 4 members was confirmed.

**ADOPTION OF AGENDA**

**Amendments**

- Add Item under Executive Director Matters – Department Introductions
- Remove Item J (1)(n) – Remove Case 09 REB 155
- Add Item J (9)(b)
- Add Item J (12) (a) – J.A.
- Add Item J (12) (b) – M.B.
- Add Item J (12) (c) – B.B.
- Add Item J (12) (d) – D. C.
- Add Item J (12) (e) – D.J.

**MOTION:** Stephen Beers moved, seconded by Mike Mulleady, to adopt the agenda as Amended. Motion carried unanimously.

**SECRETARY MATTERS**

Secretary Dave Ross thanked the Board for serving the state of Wisconsin on this Board. He introduced Deputy Secretary Bill Wendle who provided a brief introduction. John Murray, Executive Assistant, also introduced himself to the Board.

**EXECUTIVE DIRECTOR MATTERS**

Denise Aviles called upon various individuals from the Department to provide a brief introduction and description of their role within the Department. The Board members also provided a brief introduction. Ms. Aviles told the Board that she will approve the minutes of the June 23, 2011, meeting of the Real Estate Board since that Board no longer exists. She reviewed the 2012 meeting dates with the Board and conducted the elections for the officers for the remainder of 2011.

**Elections**

**NOMINATION:** Mike Mulleady nominated Steven Beers as chairperson. Denise Aviles called for additional nominations three times before calling the vote. Stephen Beers was elected chairperson for the 2011 calendar year.

**NOMINATION:** Stephen Beers nominated Mike Mulleady as vice-chairperson. Denise Aviles called for additional nominations three times before calling the vote. Mike Mulleady was elected vice-chairperson for the 2011 calendar year.

**NOMINATION:** Stephen Beers nominated Randy Savaglio as secretary. Denise Aviles called for additional nominations three times before calling the vote. Randy Savaglio was elected secretary for the 2011 calendar year.

Yolanda McGowan explained the duties of the liaisons that Stephen Beers would be making. Mr. Beers made the following Board appointments

Screening Panel – Stephen Beers, Mike Mulleady and Dennis Pierce

Credentialing Liaison – Randy Savaglio

Monitoring Liaison – Marie Hetzer

Education and Exams Liaison – Randy Savaglio

### **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY THE DIVISION OF ENFORCEMENT**

Yolanda McGowan described the process by which the stipulations, final decisions and orders are either approved or rejected.

Attorneys from the Division of Enforcement provide presentations related to the following Stipulations, Final Decisions and Orders:

1. 09 REB 004 - Abigail V. Aaholm
2. 09 REB 077 - John P. Klose, Jr., John P. Klose, Sr. and Klose Realtors, Inc.
3. 09 REB 096 - Thomas L. Dalebroux and Titledown Realtors, Inc.
4. 09 REB 111 - Karen M. Behnke-Knoblauch
5. 10 REB 005 - Amy E. Melvin and Boulder Realty, LLC
6. 10 REB 053 - James I. Atkinson and Jim Atkinson Real Estate, Inc.
7. 10 REB 150 - Teresa Mullenmaster
8. 10 REB 150 - Susan K. Hietpas
9. 11 REB 038 - Russell L. Sommers and Hodag Property Management, LLC.
10. 11 REB 042 - Lori J. Knoke

### **BOARD DISCUSSION**

#### **1. DIVISION OF ENFORCEMENT MATTERS**

- a. Discussion Regarding Violations and Forfeiture Authority  
Yolanda McGowan explained the Board's ability to set forfeiture costs that could be included in disciplinary actions. Additional discussion was tabled until a future meeting.
- b. Discussion Regarding Changes in Discipline Process  
This item was tabled to a future meeting.

#### **2. EDUCATION AND EXAMINATION MATTERS**

- a. Discussion Regarding Continuing Education Requirements  
This item was tabled to a future meeting.
- b. Discussion on Obtaining Information from Test Provider  
Stephen Beers noted that he would like to see the statistical information related to pass/fail rates for testees.

#### **3. CREDENTIALING MATTERS**

- a. Application Review Procedure  
Yolanda McGowan described the process that the Department has been using to issue licenses to real estate salespersons and brokers.

**MOTION:** Randy Savaglio moved, seconded by Stephen Beers, to delegate authority to department staff to issue licenses based upon established guidelines. Motion carried unanimously.

**MOTION:** Mike Mulleady moved, seconded by Marie Hetzer, to delegate authority to Board legal counsel to work with the credentialing liaison to approve licenses in non-standard application matters. Motion carried unanimously.

b. Discussion Regarding Broker License Requirements

This item was tabled to a future meeting.

4. **PRACTICE QUESTION MATTERS**

a. Discussion Regarding Statements and Actions of the Board Relating to Practice Issues

This item was tabled to a future meeting.

5. **LEGISLATION/ADMINISTRATIVE RULE MATTERS**

a. Discussion Regarding the Process of Updating the Real Estate Contractual Forms

This item was tabled to a future meeting.

b. Consider Recommended Revisions to WB-12

Yolanda McGowan provided a brief overview of the WB-12 and where it is at in the review process. The Board discussed an optional use date of January 1, 2012 with a mandatory use date of April 1, 2012.

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to approve release of the WB-12 with the content as outlined in the agenda packet revised to show a January 1, 2012 optional use date and an April 1, 2012 mandatory use date. Motion carried unanimously.

c. Discussion Regarding the Process for Approving Real Estate Forms

This item was tabled to a future meeting.

d. Discussion Regarding RL 15

Yolanda McGowan noted that she had there have been a number of discussion regarding these rules and noted that there needs to be a discussion regarding electronic records retention at the next meeting. Further discussion was tabled to a future meeting.

e. Discussion Regarding RL 16 & 18

The Board briefly discussed areas for the members to consider prior to discussion at a future meeting. Further discussion was tabled to a future meeting.

f. Consider Recommended Revisions to RL 24 & 25

Yolanda McGowan provided an overview of the suggested changes to RL 24 & 25. Ms. McGowan told the Board that, since RL 24 & 25 revisions are a work in process, it will be changed from RL to REEB 24 & 25. She also noted that DRL will be changed to DSPS along with REB being changed to REEB throughout.

**MOTION:** Marie Hetzer moved, seconded by Mike Mulleady, to approve the content of RL 24 & RL 25 as presented. Motion carried unanimously.

6. **LIAISON/COMMITTEE REPORTS**

a. Discussion Related to Establishing a Contractual Forms Committee

Stephen Beers indicated that he would like to keep the current Real Estate Contractual Forms Advisory Committee.

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to appoint the following members to the Real Estate Forms Contractual Forms Advisory Committee: Stephen Beers, Casey Clickner, Debra Conrad, John Drzewiecki, John Flor, Mike Gordon, Cori Lamont, Steven Lillestrand, Scott Minter, Kim Moermond, Richard

Petershack, Jonathan Sayas, Mike Sewell, Peter Sveum and Gary Tritz. Motion carried unanimously.

**MOTION:** Randy Savaglio moved, seconded by Marie Hetzer, to authorize Stephen Beers to serve as Chair of the Real Estate Contractual Forms Advisory Committee. Motion carried unanimously.

b. Discussion Related to Establishing a Curriculum Council

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to appoint Shawna Alt, Robert Blakely, Melvin Check, Patricia Tasker, Kathyryne Kuhl and Linda LeCoultre to the Real Estate Curriculum and Examinations Council. Motion carried unanimously.

**MOTION:** Randy Savaglio moved, seconded by Stephen Beers, to appoint Marie Hetzer to serve as the Chair on the Real Estate Curriculum and Examinations Council. Motion carried unanimously.

### CLOSED SESSION

**MOTION:** Mike Mulleady moved, seconded by Marie Hetzer, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing 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: Mike Mulleady - yes; Stephen Beers - yes; Marie Hetzer - yes; Randy Savaglio - yes. Motion carried unanimously. Open session recessed at 11:07 a.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to reconvene in open session at 1:31 p.m. Motion carried unanimously.

### VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

#### PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**MOTION:** Marie Hetzer moved, seconded by Mike Mulleady, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matters of 09 REB 004 – Abigail V. Aaholm, 09 REB 077 - John P. Klose, Jr., John P. Klose, Sr. and Klose Realtors, Inc., 09 REB 096 – Thomas L. Dalebroux, 09 REB 111 – Karen M. Behnke-Knoblauch, 10 REB 005 – Amy E. Melvin and Boulder Realty, LLC., 10 REB 053 – James I. Atkinson and Jim Atkinson Real Estate, Inc., 10 REB 150 – Teresa Mullenmaster, 10 REB 150 – Susan K. Hietpas, 11 REB 038 – Russell L. Sommers and Hodag Property Management, LLC., and 11 REB 042 – Lori J. Knoke. Motion carried unanimously.

### CASE CLOSINGS

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to close the following cases according to the recommendations by the Division of Enforcement:

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|---------------|---------------|
| a. 08 REB 220 | e. 09 REB 097 |
| b. 09 REB 004 | f. 09 REB 101 |
| c. 09 REB 082 | g. 09 REB 109 |
| d. 09 REB 084 | h. 09 REB 117 |

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|---------------|---------------|
| i. 09 REB 120 | q. 10 REB 144 |
| j. 09 REB 131 | r. 11 REB 008 |
| k. 09 REB 139 | s. 11 REB 011 |
| l. 09 REB 146 | t. 11 REB 021 |
| m. 09 REB 161 | u. 11 REB 033 |
| n. 10 REB 037 | v. 11 REB 044 |
| o. 10 REB 051 | w. 11 REB 060 |
| p. 10 REB 093 | x. 11 REB 084 |

Motion carried unanimously.

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to close case 09 REB 099 for no violation. Motion carried unanimously.

#### **ADMINISTRATIVE WARNINGS**

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to issue the Administrative Warnings in the matters of 09 REB 076, 09 REB 120 and 10 REB 092. Motion carried unanimously.

#### **MONITORING**

**MOTION:** Mike Mulleady moved, seconded by Randy Savaglio, to issue an unrestricted license in the matter of Adrian Johnson. Motion carried unanimously.

#### **APPLICATION MATTERS**

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to grant reinstatement for James Adams upon satisfactory completion of all licensing requirements. Motion carried unanimously.

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to grant a limited license to Michael Bannie as recommended in the application file. Motion carried unanimously.

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to grant a limited licensure to Bradley Bernemann as recommended in the application file. Motion carried unanimously.

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to grant an unrestricted license to Dennis Catencamp. Motion carried unanimously.

**MOTION:** Mike Mulleady moved, seconded by Marie Hetzer, to deny licensure to Danielle Jones. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Randy Savaglio moved, seconded by Mike Mulleady, to adjourn the meeting at 1:49 p.m. Motion carried unanimously.