

**REAL ESTATE BOARD
MINUTES
FEBRUARY 17, 2010**

PRESENT: Stephen Beers, Lisabeth Weirich, Ryan Schroeder, Dennis Pierce and Robert Dueholm (Mr. Dueholm joined the meeting at 12:00)

EXCUSED: Kenneth Lee

STAFF PRESENT: Brian Deschane, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

GUESTS: Cori Lamont, Wisconsin Realtors Association

CALL TO ORDER

Stephen Beers, Chair, called the meeting to order at 10:03 a.m. A quorum 4 was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Add letter from Mr. Wilson under Credential matters

MOTION: Dennis Pierce moved, seconded by Ryan Schroeder, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 9, 2010

Corrections:

- Lisabeth Weirich and Ryan Schroeder were at the meeting and should be noted as attending.

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to adopt the Minutes of December 9, 2010 as amended. Motion carried unanimously.

Secretary Matters

Secretary Dave Ross and Deputy Secretary John Scocos joined the meeting and provided brief autobiographies. Secretary Ross thanked the Board members for serving on the Real Estate Board. He told the Board that he has an open door policy and hopes to keep the lines of communication open. Brian Deschane introduced Michael Trepanier, Administrator for the Division of Board Services. He provided an overview of the structure of DRL and his function within the Department. John Murray, Executive Assistant, introduced himself to the Board and briefly explained his role within the Department.

**ADMINISTRATIVE REPORT
BRIAN DESCHANE, BUREAU DIRECTOR**

Department Updates & Reminders

Brian Deschane introduced himself as the new bureau director and conducted the annual policy review.

Board Appointments

Yolanda McGowan explained the Board appointment responsibilities. Steven Beers indicated that Governor Walker had asked all Board appointees that had not been previously approved by the legislature to re-apply for the vacant Board appointments. Mr. Beers made the following Board appointments:

Credentialing Liaison	Lisabeth Weirich
Monitoring Liaison	Lisabeth Weirich
Screening Panel	Lisabeth Weirich and Ryan Schroeder

Regulatory Digest

Brian Deschane indicated that the format would move to an electronic version should the Board have an interest to begin publishing them again. The Board indicated that they would like to pursue the publication of an electronic version of a Regulatory Digest. Stephen Beers indicated that he would like to see it include the names of agents and brokers that have been disciplined by the Board.

The Board briefly discussed “Live Meeting” as an option for conducting business along with the option of having out-state meetings. There were no changes made to the current meeting schedule.

EXAMINATION, EDUCATION AND EXPERIENCE ISSUES

Ms. McGowan indicated that because there has been a change in administration at the Department prior to any formal action being taken, Brian Deschane will be meeting with the current administration to seek their approval of the changes recommended by the Ad Hoc Committee on Real Estate Education.

LEGISLATIVE/ADMINISTRATIVE RULES

Public Hearing – RL 24 and RL 25

There were no public comments during the public hearing.

Clearinghouse Comments

Ms. McGowan reviewed the comments with the Board and will send the final draft to Stephen Beers before the rule becomes final.

MOTION: Dennis Pierce moved, seconded by Ryan Schroeder, to authorize the changes to RL24 and RL25 as reflected in the record of today’s meeting and to authorize the chair to approve the final draft before submission to the legislature.

Administrative Rules Update

Ms. McGowan indicated that the Board had previously discussed revising RL 16 and RL 18. The Board suggested that changes to the rules include a clearly defined use of addenda. This item will remain on the agenda as a standing item.

PRACTICE ISSUES

Real Estate Forms Update

Yolanda McGowan indicated that the forms that they have received in their packet have been approved by the Committee as to substance. The Forms Committee has not met and approved the forms as published. The formatting needs to be addressed by the Committee. We are hoping to have an optional use date in March or April with a mandatory use date of July 1.

MOTION: Lisabeth Weirich moved, seconded by Ryan Schroeder, to approve the form WB-11, WB-13 and WB-14 as recommend by the Real Estate Contractual Forms Advisory Committee. Motion carried unanimously.

Real Estate Curriculum Committee Update

Lisabeth Weirich noted that the last meeting was in August and noted that at the next meeting, they will address ability/need to notify education providers of the need to modify content to ensure that they are current with the content.

Timeshare Discussion

The Board asked that this item remain on the agenda as a standing item should any issues arise.

(Robert Dueholm joined the meeting at 12:00 pm)

CONVENE TO CLOSED SESSION

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, 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: Robert Dueholm-yes; Stephen Beers-yes; Lisabeth Weirich-yes; Ryan Schroeder-yes Dennis Pierce – yes. Motion carried unanimously.

Open session recessed at 12:00 p.m.

RECONVENE TO OPEN SESSION

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to reconvene into Open Session at 1:40 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

ADMINISTRATIVE WARNINGS INCLUDING ANY RECEIVED AFTER MAILING OF AGENDA

MOTION: Dennis Pierce moved, seconded by Ryan Schroeder, to issue the administrative warnings in cases 07 REB 260 W.W.P.; 08 REB 069 A.W.R.; 08 REB 069 M.O. and 11 REB 002 B.W. as recommended by the Division of Enforcement. Motion carried unanimously.

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

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 07 REB 097 Insufficient Evidence
2. 07 REB 210 No Violation (A.Z. only)
3. 07 REB 241 Prosecutorial Discretion (P5)
4. 07 REB 260 Prosecutorial Discretion (P7)
5. 07 REB 266 Prosecutorial Discretion (P3)
6. 07 REB 288 No Violation (J.N; R.E.G.I; and J.B.)
7. 08 REB 026 Insufficient Evidence (G.A.D.J. only)
8. 08 REB 064 Insufficient Evidence
9. 08 REB 113 Insufficient Evidence (T.J.W; W.D.K; and A.C.S.I.)
Prosecutorial Discretion (P5)
10. 08 REB 141 Prosecutorial Discretion (P5)
11. 08 REB 148 Insufficient Evidence
12. 08 REB 154 Prosecutorial Discretion (P4)
13. 09 REB 067 Prosecutorial Discretion (P6)
14. 09 REB 167 Prosecutorial Discretion (P3)

DELIBERATION ON PROPOSED STIPULATIONS OR ANY RECEIVED AFTER MAILING OF AGENDA

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to table discussion related to 06 REB 222 - James A. Weber until the next meeting. Motion carried unanimously.

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to adopt the Final Decision and Order in the matter of 07 REB 170 Jeffrey Kalvelage and Wilderness Realty, Inc. Motion carried unanimously.

DELIBERATION ON PROPOSED STIPULATIONS OR ANY RECEIVED AFTER MAILING OF AGENDA

MOTION: Robert Dueholm moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of 07 REB 097 – Jeff J. Narges as presented distributed in the red folder. Motion carried unanimously.

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matters of 07 REB 210 – Kristian L. Seals; 07 REB 210 – Peter N. Skanavis & Metrostar, Inc.; 07 REB 211 – Debra L. Hitchcock-Gale; 07 REB 232 and 08 REB 054 – Holly A. Tomlanovich; 07 REB 288 – Diana M. Campshure-Walczyk, Cindy J. Leitermand, Resource One Realty, LLC and Thomas B. Monahan and 08 REB 113 – Brenda J. Bunbury-Carlson and Brenda Bunbury Realty, LLC. Motion carried unanimously.

CE EXTENSION REQUEST

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to deny the request for an extension of time to meet the continuing education requirements for renewal received from Robert Wilson. Motion carried unanimously.

MONITORING

MOTION: Lisabeth Weirich moved, seconded by Ryan Schroeder, to suspend licensure of Lacinda G. Gerke-Edwards based on failure to comply with the Board's orders. The Board further orders the following additional conditions and limitations: Requiring that the audit be conducted by a licensed CPA and the audit period be extended through 2-28-11. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

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

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

Signatures were collected for all required documents.

Next Meeting: April 28, 2011 – 10:00 AM

ADJOURNMENT

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to adjourn the meeting at 1:48 p.m. Motion carried unanimously.