

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
FEBRUARY 28, 2012**

Present: Mike Mulleady, Tammy Wagner, Marie Hetzer, Stephen Beers, Randy Savaglio Dennis Pierce

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

Guests: Cori Lamont, Wisconsin Realtors Association and Anne Blood, MATC Madison

Stephen Beers, Board Chair, called the meeting to order at 10:05 a.m. A quorum of 6 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Add Item F(6)(c) Discussion/Action Regarding Council on Real Estate Curriculum and Examinations

MOTION: Mike Mulleady moved, seconded by Dennis Pierce, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Randy Savaglio moved, seconded by Mike Mulleady, to approve the minutes of November 16, 2011 and December 7, 2011 as published. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Denise Aviles called for elections.

NOMINATION: Marie Hetzer nominated the current slate of officers for the 2012.

MOTION: Marie Hetzer moved, seconded by Dennis Pierce, to close nominations and cast a unanimous ballot for the current slate of officers. Motion carried unanimously.

The Board discussed the Board appointments. The screening panel will consist of two member teams (Team 1 - Marie Hetzer and Mike Mulleady, Team 2 - Randy Savaglio and Tammy Wagner and Team 3 - Dennis Pierce and Stephen Beers. The teams will rotate screening panel reviews beginning with the next screening panel. The remaining Board appointments will remain the same. Denise Aviles conducted the annual policy review. She specifically reviewed the new Ethics for Board Members section of the Board member handbook. She asked members to submit the signed signature page to the department. She reminded the Board that the Department will not be publishing a regulatory digest for the Real Estate Examining Board this year.

BOARD DISCUSSION

1. **DIVISION OF ENFORCEMENT MATTERS**
 - a. **Discussion Regarding Violations and Forfeiture Authority Changes in Discipline Process**
The Board reviewed the process and looked to DOE for the historical data relative to discipline.
2. **EDUCATION AND EXAMINATION MATTERS**
 - a. **Discussion Regarding Continuing Education Requirements**
Stephen Beers noted that the Board will begin to review Continuing Education (CE) requirements in July and August so that the providers will know what the CE criteria will be.

3. CREDENTIALING MATTERS

a. Discussion Regarding Broker License Requirements

Yolanda McGowan indicated that the legislation is pending. She noted that the bill will require rule-writing and that a delayed effective date would allow the Board to get the mechanisms in place to effectuate the legislation.

b. Clarification of REEB 25.025

Yolanda McGowan will work with Credentialing to clarify REEB 25.025 on the application form.

c. Discussion Regarding Reciprocity with Other States

MOTION: Randy Savaglio moved, seconded by Dennis Pierce, to authorize Stephen Beers to enter into possible negotiations with Illinois regarding a revised reciprocal agreement. Motion carried unanimously.

4. LEGISLATION/ADMINISTRATIVE RULE MATTERS

a. Discussion Regarding REEB 15, 16 and 18

These rule revisions have been tabled.

b. Conditional Adoption of Proposed Rule-Making REEB 24, 25 Brokers Practice and Education

MOTION: Marie Hetzer moved, seconded by Mike Mulleady, to conditionally adopt REEB 24/25 contingent upon no action being taken by the JCRAR during its passive review period and further to authorize Department staff to sign the order on behalf of the Board. Motion carried unanimously.

c. Discussion/Action Regarding Council on Real Estate Curriculum and Examinations

MOTION: Mike Mulleady moved, seconded by Marie Hetzer, to add Anne Blood to the Council on Real Estate Curriculum and Education.

5. LIAISON/COMMITTEE REPORTS

a. Review and Consider the Process for Updating and Approving Real Estate Forms

b. Review and Approve WB-15

Yolanda McGowan noted that the Forms Committee has approved the WB-15 as to substance.

MOTION: Mike Mulleady moved, seconded by Randy Savaglio, to approve the WB-15 and authorize publication of the new forms.

INFORMATIONAL ITEMS

Yolanda McGowan informed the Board of changes proposed by the Cemetery Board that would remove the Cemetery salespersons from the Real Estate Sales Person licensure requirement.

CONVENE INTO 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: Stephen Beers - yes; Mike Mulleady - yes; Marie Hetzer - yes; Randy Savaglio - yes; Tammy Wagner – yes; Dennis Pierce, - Yes. Motion carried unanimously. Open session recessed at 11:40 a.m.

RECONVENE TO OPEN SESSION

MOTION: Randy Savaglio moved, seconded by Mike Mulleady, to reconvene in open session at 12:44 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Randy Savaglio moved, seconded by Marie Hetzer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 REB 135 – Bradley A. Will, 08 REB 135 – Martin E. Karl, 09 REB 091 – Robert W. Janke and Janke Premiere Properties, LLC, 10 REB 002 – Pavels Cernomordijs and Power Realty Group, Inc. , 10 REB 023 – Gordon A. Weiss and Weiss Realty, LLC, 10 REB 114 – James B. Haldeman and Re/Max Homes and Hills Realty, LLC, and 11 REB 022 – Gregory A. Rice and Executive Management, Inc. Motion carried unanimously.

CASE CLOSINGS

MOTION: Dennis Pierce moved, seconded by Mike Mulleady, to close the following cases according to the recommendations by the Division of Enforcement:

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| i. 08 REB 135 | vii. 10 REB 113 |
| ii. 09 REB 104 | viii. 10 REB 116 |
| iii. 09 REB 128 | ix. 10 REB 137 |
| iv. 09 REB 134 | x. 11 REB 059 |
| v. 09 REB 155 | xi. 11 REB 071 |
| vi. 10 REB 087 | xii. 11 REB 073 |

Motion carried unanimously.

PROPOSED DECISIONS

MOTION: Randy Savaglio moved, seconded by Dennis Pierce, to adopt the Proposed Decision, in the matter of 08 REB 107 – Randall Krysinski and Market Masters Realty, LLC. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Randy Savaglio moved, seconded by Dennis Pierce, to issue the Administrative Warnings in the matters of 09 REB 155, 10 REB 068, 10 REB 077, 10 REB 116 and 11 REB 059. Motion carried unanimously.

ADJOURNMENT

MOTION: Tammy Wagner moved, seconded by Randy Savaglio, to adjourn the meeting at 12:47 p.m. Motion carried unanimously.