

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
FEBRUARY 18, 2016**

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

STAFF: Brittany Lewin - Executive Director; Nilajah Hardin - Bureau Assistant; Sharon Henes - Administrative Rules Coordinator; and Other Department Staff

CALL TO ORDER

Stephen Beers, Chair, called the meeting to order at 10:02 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Under Closed Session K. 2). Proposed Stipulation(s), Final Decision(s) and Order(s): Item d. is amended to read "15 REB 040 – Samuel M. Dickman and The Dickman Company, Inc."*
- *Under Closed Session K. 2). Proposed Stipulation(s), Final Decision(s) and Order(s): Add Item "e. 14 REB 077 – Scott B. Salan and Udoni & Salan Realty Group, LLC" and "f. 15 REB 078 – Jenny R. Armstrong"*

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

APPROVAL OF THE MINUTES OF DECEMBER 3, 2015

Amendments to the Minutes:

- *Under Case Closings, Item 2. Is amended to read:
"13 REB 091 and 13 REB 093 (Q.E.I. and M.D.R.) – No Violation
13 REB 091 and 13 REB 093 (M.T.P.) – Prosecutorial Discretion (P3)"*

MOTION: Michael Mulleady moved, seconded by Marie Hetzer, to approve the minutes of December 3, 2015 as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Board Chair

NOMINATION: Randal Savaglio nominated Stephen Beers for the Office of Board Chair.

Brittany Lewin called for nominations three (3) times.

Stephen Beers was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Stephen Beers nominated Michael Mulleady for the Office of Vice Chair.

Brittany Lewin called for nominations three (3) times.

Michael Mulleady was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Dennis Pierce nominated Randal Savaglio for the Office of Secretary.

Brittany Lewin called for nominations three (3) times.

Randal Savaglio was elected as Secretary by unanimous consent.

2016 ELECTION RESULTS	
Chair	Stephen Beers
Vice Chair	Michael Mulleady
Secretary	Randal Savaglio

Liaison Appointments

2016 LIAISON APPOINTMENTS	
Credentialing Liaison	Randal Savaglio
Monitoring Liaison	Marie Hetzer
Professional Assistance Procedure (PAP) Liaison	Kitty Jedwabny
Office of Education and Examinations Liaison	Stephen Beers
Screening Panel Team 1	Dennis Pierce, Stephen Beers, Kitty Jedwabny
Screening Panel Team 2	Marie Hetzer, Michael Mulleady
Screening Panel Team 3	Randal Savaglio, Brian McGrath

2016 COMMITTEE MEMBER APPOINTMENTS	
Real Estate Rules Committee	Marie Hetzer, Michael Mulleady, Randal Savaglio

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to affirm the Chair's appointment of liaisons for 2016. Motion carried unanimously.

Delegation of Authority

Delegated Authority for Urgent Matters

MOTION: Dennis Pierce moved, seconded by Michael Mulleady, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Randal Savaglio moved, seconded by Brian McGrath, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to delegate authority to the DSPS attorney or paralegal to address specific issues related to review of applications where the only conviction is a single OWI or underage alcohol possession or have a felony conviction within three (3) years. Motion carried unanimously.

MOTION: Michael Mulleady moved, seconded by Marie Hetzer, to delegate authority to the Credentialing Liaison(s) to make all credentialing decisions. Motion carried unanimously.

Monitoring Delegation

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to affirm the Chair's appointment of Marie Hetzer as the Monitoring Liaison and to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor', document as presented. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Update on Legislation and Pending or Possible Rulemaking Projects

MOTION: Michael Mulleady moved, seconded by Randal Savaglio, to request DSPS staff draft a Scope Statement for emergency and permanent rules relating to recent legislation and to delegate the Chair to approve the Scope for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

CLOSED SESSION

MOTION: Randal Savaglio moved seconded by Brian McGrath, 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 meeting convened into closed session at 10:31 a.m.

RECONVENE TO OPEN SESSION

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to reconvene into open session. Motion carried unanimously.

The meeting reconvened into open session at 11:17 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

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

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Brian McGrath moved, seconded by Marie Hetzer, to issue an Administrative Warning in the following matters:

1. 14 REB 098 – J.A.B.
2. 15 REB 033 – C.H.S.
3. 15 REB 050 –R.P.I.

Motion carried unanimously.

Proposed Stipulations, Final Decisions And Orders

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

1. 14 REB 004 – Matthew Ignatiev
2. 14 REB 101 – Jeneene A. Safer
3. 14 REB 121 – Jonathan R. Michals and Jon Michals Realty, LLC
4. 15 REB 040 – Samuel M. Dickman and The Dickman Company, Inc.
5. 14 REB 077 – Scott B. Salan and Udoni & Salan Realty Group, LLC
6. 15 REB 078 – Jenny R. Armstrong

Motion carried unanimously.

Case Closings

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

1. 14 REB 092 (K.C.) – Prosecutorial Discretion (P1)
2. 14 REB 098 (J.A.J and A.J.R.E.) – No Violation
3. 14 REB 101 (M.S.K. and K.L.L.C.) - Prosecutorial Discretion (P1)
4. 14 REB 116 (A.B. and P.P.M.L.L.C.) - Prosecutorial Discretion (P1)
5. 14 REB 125 (S.H.S. and S.R.E.) – Insufficient Evidence
6. 15 REB 006 (B.K.) - No Violation
7. 15 REB 016 (G.A.A.) - Prosecutorial Discretion (P5 - Flag)
8. 15 REB 050 (N.T.I.) - No Violation

Motion carried unanimously.

CREDENTIALING MATTERS

Peter Liakopoulos – Predermination for Conviction Review

MOTION: Marie Hetzer moved, seconded by Michael Mulleady, the Board has reviewed the information submitted by Peter Liakopoulos and has determined that his criminal convictions disqualify him from obtaining a Real Estate Salesperson license. **Authority:** Wis. Stat. § 452.07(2) and Wis. Admin. Code § REEB 12.011. Motion carried unanimously.

M.H. – Extension Request

MOTION: Michael Mulleady moved, seconded by Marie Hetzer, to grant the request of M.H., for an extension of time to complete Continuing Education requirements for the 2013-2015 biennium until March 18, 2016. The Continuing Education hours shall not be counted for the purposes of the 2016-2018 licensure period. Motion carried unanimously.

A. S. – Waiver Request

MOTION: Michael Mulleady moved, seconded by Randal Savaglio, to **deny** the request of A.S., for a waiver of the Continuing Education requirements for the 2015 license renewal. The Board **grants** an extension of time to complete to Continuing Education requirements for the 2013-2015 biennium once all documentation is provided. The Continuing Education hours shall not be counted for the purposes of the 2016-2018 licensure period. Motion carried unanimously.

K.P. – Waiver Request

MOTION: Dennis Pierce moved, seconded by Michael Mulleady, **deny** the request of K.P., for a waiver of the Continuing Education requirements for the 2015 license renewal. The Board **grants** an extension of time to complete to Continuing Education requirements for the 2013-2015 biennium once all documentation is provided. The Continuing Education hours shall not be counted for the purposes of the 2016-2018 licensure period. Motion carried unanimously.

ORDER(S) FIXING COSTS**Mark H Pierce, Respondent (ORDER0004415)(DHA case # SPS-15-0069)(DLSC case # 13 REB 042)**

MOTION: Michael Mulleady moved, seconded by Marie Hetzer, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Mark H Pierce, Respondent (ORDER0004415)(DHA case # SPS-15-0069)(DLSC case # 13 REB 042). Motion carried unanimously.

ADJOURNMENT

MOTION: Randal Savaglio moved, seconded by Marie Hetzer, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:18 a.m.