



**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Adam Barr (608) 266-2112
February 3, 2022**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-4)

B. Approval of Minutes of December 9, 2021 (5-7)

C. Reminders: Conflicts of Interest, Scheduling Concerns

D. Introductions, Announcements and Recognition

E. Administrative Matters

- 1) Department, Staff and Board Updates
- 2) Annual Policy Review **(8-11)**
- 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(12-21)**
- 4) Board Members – Term Expiration Dates
 - a. Berry, Jeffery K. – 7/1/2022
 - b. Kaleka, Gurmit S. – 7/1/2025
 - c. Lacy, Cathy J – 7/1/2025
 - d. Lauer, Elizabeth A. – 7/1/2022
 - e. Mays, Sonya G. – 7/1/2024
 - f. Pierce, Dennis M. – 7/1/2013
 - g. Richie, Thomas J. – 7/1/2022

F. Legislative and Policy Matters – Discussion and Consideration

G. Administrative Rules Matters – Discussion and Consideration (22)

- 1) Adoption Order
 - a. REEB 12, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(23-26)**
 - b. REEB 24, Relating to Conduct and Ethical Practices **(27-36)**

- 2) REEB 12, Relating to Obsolete References and Predetermination of Criminal Convictions in Licensure Applicants and Apprenticeships **(37-40)**
- 3) Pending or Possible Rulemaking Projects **(41)**

H. Report and Possible Action from the Real Estate Contractual Forms Advisory Council

- 1) WB-40 – Amendment to Offer to Purchase **(42)**
- 2) WB-41 – Notice Relating to Offer to Purchase **(43)**
- 3) WB-44 – Counter Offer **(44)**
- 4) WB-45 – Cancellation Agreement and Mutual Release **(45)**

I. Credentialing Matters – Discussion and Consideration

- 1) Credentials Issued Between Meetings **(46-47)**

J. Newsletter Matters – Discussion and Consideration

K. Broker Supervision of Real Estate Salespersons – Discussion and Consideration

L. COVID-19 – Discussion and Consideration

M. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

N. Public Comments

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.).

O. Deliberation on Department of Legal Services and Compliance (DLSC) Matters

1) Stipulations, Final Decisions and Orders

- a. 18 REB 058 and 20 REB 062 – Katherine Cain, Avenue Real Estate, LLC **(48-55)**
- b. 19 REB 012 – Douglas Nelson, New Home Star Wisconsin, LLC **(56-63)**
- c. 20 REB 005 – Connie Rogge, Northern Exposure Real Estate, LLC **(64-70)**
- d. 20 REB 113 – Christopher Meneghini **(71-78)**
- e. 20 REB 116 – Darry Wortham **(79-84)**
- f. 21 REB 041 – Guangfu Jia, Harbin Realty Management, LLC **(85-91)**

2) Administrative Warnings

- a. 19 REB 012 – M.K. **(92-94)**
- b. 21 REB 090 – R.S. **(95-96)**

3) Case Closings

- a. 20 REB 116 – D.B., I.R. **(97-101)**

4) Monitoring Matters (102-103)

- a. Constance Miles, Real Estate Salesperson – Requesting Full Licensure **(104-123)**
- b. James Schmitt, Real Estate Salesperson – Requesting Full Licensure **(124-139)**
- c. Tyler Sweeney, Real Estate Broker – Requesting Mentor Broker Approval **(140-154)**

P. Deliberation on Proposed Final Decision and Orders

- 1) Raymond H. Chou and Target Solutions, LLC, Respondents – DHA Case Number SPS-21-0045/DLSC Case Numbers 17 REB 095, 17 REB 109 and 18 REB 046 **(155-167)**

Q. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders

- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

R. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

S. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

T. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: APRIL 14, 2022

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
MEETING MINUTES
DECEMBER 9, 2021**

PRESENT: Jeffery Berry, Gurmit Kaleka, Cathy Lacy, Elizabeth Lauer, Sonya Mays, Dennis Pierce

EXCUSED: Thomas Richie

STAFF: Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rule Coordinator; Megan Glaeser, Bureau Assistant; and Other Department Staff

CALL TO ORDER

Elizabeth Lauer, Vice Chairperson, called the meeting to order at 10:04 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Elizabeth Lauer moved, seconded by Dennis Pierce, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 21, 2021

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to approve the Minutes of October 21, 2021 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: Dennis Pierce moved, seconded by Sonya Mays, 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.). Elizabeth Lauer, Vice Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Jeffery Berry-yes; Gurmit Kaleka-yes; Cathy Lacy -yes; Elizabeth Lauer-yes; Sonya Mays-yes; and Dennis Pierce-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:26 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Stipulations, Final Decisions and Orders

MOTION: Dennis Pierce moved, seconded by Cathy Lacy, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 18 REB 031 and 19 REB 095 – Tyler Sweeney
 2. 18 REB 147 – Joshua Genz
 3. 18 REB 147 – Travis Hamele, United Country Midwest Lifestyle Properties
 4. 19 REB 011 – Sowande Nadeem, One Day Real Estate Services, LLC
 5. 19 REB 110 – Lance Nowak, Victory Realty Elite
 6. 19 REB 127 – Jeffrey Tekaver, Tammy Tekaver, Tekaver Enterprises Inc.
 7. 20 REB 014 – Lisa M. Fickel
 8. 20 REB 023 – Kelton Olson
 9. 20 REB 107 – Hans Melges, Melges Real Estate LLC
- Motion carried unanimously.

Administrative Warnings

MOTION: Cathy Lacy moved, seconded by Dennis Pierce, to issue an Administrative Warning in the matter of the following cases:

1. 18 REB 013 – C.C.
2. 19 REB 056 – C.R.
3. 19 REB 056 – T.I.

Motion carried

Case Closings

MOTION: Cathy Lacy moved, seconded by Dennis Pierce, to close the following DLSC Cases for the reasons outlined below:

1. 18 REB 013 – P.L., S.R. – Prosecutorial Discretion (P1)
2. 18 REB 046 – R.C. – Lack of Jurisdiction (L2)
3. 19 REB 011 – J.E.A.N. – Lack of Jurisdiction (L2)
4. 19 REB 019 – W.C. – Prosecutorial Discretion (P5)
5. 20 REB 014 – M.Z., R.N.W.R. – No Violation

Motion carried unanimously.

Monitoring Matters

Christopher Buttrum – Requesting Reinstatement

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to grant the request of Christopher Buttrum for Reinstatement of Real Estate Salesperson License, pursuant to the terms of the 12/18/2018 order. Motion carried unanimously.

Michael De Sautel – Requesting Full Licensure

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to grant the request of Michael De Sautel for Full Licensure. Motion carried unanimously.

Denis Greatens – Requesting Full Licensure

MOTION: Elizabeth Lauer moved, seconded by Dennis Pierce, to grant the request of Denis Greatens for Full Licensure. Motion carried unanimously.

Richard Krackow – Requesting Full Licensure

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to grant the request of Richard Krackow for Full Licensure. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Cathy Lacy moved, seconded by Dennis Pierce, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:11 a.m.

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

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:13 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/13/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
Kimberly Wood		12/13/2021	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the Department's website.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

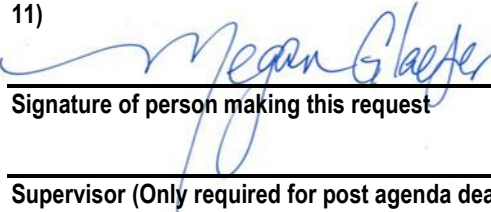
NAME OF EXAMINING BOARD OR COUNCIL EXAMPLE EXAMINING BOARD			BOARD OR COUNCIL MEMBER'S NAME MARY SUNSHINE	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i> Claimant's Signature		1/4/2021 Date		
			Supervisor	Date

EMPL ID: 100012345-0

To be completed by Department staff: TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Megan Glaeser, Bureau Assistant		2) Date when request submitted: 25 January 2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 3 February 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. 			
11) 		Authorization	
Signature of person making this request		25 January 2022 Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Real Estate Examining Board 2021 Elections, Liaisons, and Delegated Authorities

ELECTION RESULTS	
Chairperson	Thomas Richie
Vice Chairperson	Elizabeth Lauer
Secretary	Dennis Pierce

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison	Thomas Richie <i>Alternate: Elizabeth Lauer</i>
Education and Examinations Liaison	Cathy Lacy <i>Alternate: Sonya Mays</i>
Monitoring Liaison	Elizabeth Lauer <i>Alternate: Gurmit Kaleka</i>
Professional Assistance Procedure (PAP) Liaison	Cathy Lacy <i>Alternate: Dennis Pierce</i>
Legislative Liaison	Sonya Mays, Thomas Richie
Travel Liaison	Dennis Pierce <i>Alternate: Elizabeth Lauer</i>
Newsletter Liaison	Thomas Richie
COMMITTEE MEMBER APPOINTMENTS	
Real Estate Contractual Forms Advisory Committee Chairperson	Sonya Mays
Council on Real Estate Curriculum and Examination Representative	Elizabeth Lauer

SCREENING PANEL	
Screening Panel Team 1	Dennis Pierce, Thomas Richie
Screening Panel Team 2	Sonya Mays, Elizabeth Lauer
Screening Panel Team 3	Gurmit Kaleka, Cathy Lacy

Delegation of Authorities

Delegation of Credentialing Authorities

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to rescind the motion made on February 18, 2021 to delegate authority to Department Attorneys to review and approve applications with ordinance violations and misdemeanors each 5 or more years old, that are not substantially related to the practice of real estate and do not involve AODA dependency. Motion carried unanimously.

MOTION: Thomas Richie moved, seconded by Robert Larson, to delegate authority to the Department Attorneys to review and approve applications with ordinance violations which are not substantially related to the practice of real estate. Motion carried unanimously.

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to delegate authority to the Department Attorneys to review and approve applications with misdemeanors each 3 or more years old that are not substantially related to the practice of real estate and do not involve AODA dependency. Motion carried unanimously.

Document Signature Delegations

MOTION: Cathy Lacy moved, seconded by Robert Larson, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Dennis Pierce moved, seconded by Thomas Richie, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Lack/Loss of Quorum

MOTION: Robert Larson moved, seconded by Cathy Lacy, to delegate the review and authority to act on of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Cathy Lacy moved, seconded by Robert Larson, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the February 18, 2021 agenda materials on pages 16-17. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Robert Webster moved, seconded by Cathy Lacy, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Generic)

MOTION: Robert Larson moved, seconded by Elizabeth Lauer, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

***Delegation of Credentialing Authorities**

***MOTION:** Thomas Richie moved, seconded by Cathy Lacy, to rescind the motion made on February 18, 2021 to delegate authority to Department Attorneys

to review and approve applications with ordinance violations and misdemeanors each 5 or more years old, that are not substantially related to the practice of real estate and do not involve AODA dependency. Motion carried unanimously.

***MOTION:** Thomas Richie moved, seconded by Robert Larson, to delegate authority to the Department Attorneys to review and approve applications with ordinance violations which are not substantially related to the practice of real estate. Motion carried unanimously.

***MOTION:** Thomas Richie moved, seconded by Cathy Lacy, to delegate authority to the Department Attorneys to review and approve applications with misdemeanors each 3 or more years old that are not substantially related to the practice of real estate and do not involve AODA dependency. Motion carried unanimously.

***Added 4/15/2021**

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Robert Webster moved, seconded by Cathy Lacy, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Robert Webster moved, seconded by Dennis Pierce, to delegate authority to Department Attorneys to review and approve applications with ordinance violations and misdemeanors each 5 or more years old, that are not substantially related to the practice of real estate and do not involve AODA dependency. Motion carried unanimously.

MOTION: Cathy Lacy moved, seconded by Robert Larson, to delegate authority to the Department attorneys to review and approve applications with OWIs that are not substantially related to the practice of real estate. Motion carried unanimously.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous real estate credential and there is no new conviction record. Motion carried unanimously.

MOTION: Robert Larson moved, seconded by Cathy Lacy, to delegate authority to Department staff to approve Real Estate Business Entity Applications in which the identified licensed Broker Business Representatives have previously been approved for a full Real Estate Broker credential or renewal after criminal background check and there has been no criminal activity since the previous license/renewal approval. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Thomas Richie moved, seconded by Cathy Lacy, that the Department's Attorney Supervisors are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Robert Larson moved, seconded by Cathy Lacy, to delegate to the screening attorney the authority to close cases that do not clearly present a provable violation and cases that do not merit review by the full panel to the screening attorney. Cases that the screening attorney has the authority to close include cases where there is a lack of jurisdiction, where the Board has already taken action on the matter (duplicate case, Board has taken action in regard to the credential holder that addressed the conduct and further action is unnecessary), cases where there is no legal violation of the statutes/regulations, or cases where there is not enough evidence to prove a violation and additional investigation will not yield a different result. The screening attorney is also delegated the authority to immediately open any case where they believe there is an immediate risk of harm, the materials on their face warrant discipline (such as failure to respond), or cases that have a provable violation. Motion carried unanimously.

Voluntary Surrenders

MOTION: Thomas Richie moved, seconded by Robert Larson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education-and Examination Liaison(s) Delegation

MOTION: Cathy Lacy moved, seconded by Robert Larson, to delegate authority to the Education-and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Robert Webster moved, seconded by Dennis Pierce, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION: Robert Larson moved, seconded by Cathy Lacy, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

Newsletter Liaison(s) Delegation

MOTION: Robert Webster moved, seconded by Robert Larson, to delegate authority to the newsletter liaison(s) to handle all matters relating to newsletters or digests. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
- a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
13. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

- 1) Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
- 2) Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
- 3) Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
- 4) **Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.**

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

- 1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
-

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny Administrative Rules Coordinator		2) Date when request submitted: 01/24/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 02/03/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Adoption Order a. REEB 12, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses b. REEB 24, Relating to Conduct and Ethical Practices 2. Possible Germane Modification or Withdrawal: REEB 12, relating to Obsolete References and Predetermination of Criminal Convictions in Licensure Applicants and Apprenticeships 3. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachment: <ul style="list-style-type: none"> • Adoption Order – REEB 12, Reciprocal Credentials • Adoption Order – REEB 24, Conduct and Ethical Practices • Final Rule Draft – REEB 12, Obsolete References and Predetermination • JCRAR Objection Letter – REEB 12, Obsolete References and Predetermination • Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
Dana Denny		01/24/22	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 21-055)

ORDER

An order of the Real Estate Examining Board to create REEB 12.012, and to amend REEB 12.013 (1) and (2) (intro) and REEB 12.017 (1), (2), and (3) (intro.), relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 440.09, Stats.

Statutory authority: Sections 15.08 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 440.09 (5), Stats., states that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

REEB 12.01 specifies the availability of applications for real estate credentials and how they are processed.

REEB 12.013 specifies the application procedures for real estate salespersons.

REEB 12.017 specifies the application procedures for real estate brokers.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois: The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the two years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa: Rules of the Professional Licensing and Regulation Bureau of the Iowa Department of Commerce provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (193 IAC 193.14.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan: The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for six months and may be renewed for one additional six-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota: The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the two years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rule was developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, and obtaining input and feedback from the Real Estate Examining Board.

Fiscal estimate and economic impact analysis:

The fiscal estimate and economic impact analysis are attached.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local governmental units, and individuals. No comments were received.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. REEB 12.012 is created to read:

REEB 12.012 Application procedure for service members, former service members, and their spouses. (1) In this section:

- (a) “Former service member” has the meaning in s. 440.09 (1) (a), Stats.
- (b) “Service member” has the meaning in s. 440.09 (1) (b), Stats.
- (c) “Spouse” has the meaning in s. 440.09 (1) (c), Stats.

(2) Each applicant for reciprocal licensure as a real estate salesperson or real estate broker shall submit all of the following, notwithstanding the materials required under ss. REEB 12.013 and 12.017:

- (a) A Completed application form with the signature of the applicant
- (b) A fee as determined by the department under s. 440.05 (2), Stats.
- (c) A Statement that the applicant resides in this state.
- (d) Documentation that the applicant is a service member, former service member or the spouse of a service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the individual is a service member, former service member, or the spouse of a service member or former service member.
- (e) Evidence of holding a license, in good standing, that was granted by a governmental authority in a jurisdiction outside of Wisconsin that qualifies the individual to perform acts authorized under a real estate salesperson or real estate broker license granted by the board.

(Note): Application forms are available from the Department of Safety and Professional Services’ website at <http://dsps.wi.gov>.

(3) A license granted under this subsection expires on the applicable renewal date specified in s. 440.08 (2) (a), Stats., except that if the first renewal date specified in s. 440.08 (2) (a) after the date on which the license is granted is within 180 days of the date on which the license is granted, the license expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date on which the license is granted.

SECTION 2. REEB 12.013 (1) and (2) (intro.) are amended to read:

REEB 12.013 (1) (intro.) Except as provided in sub. (3) and s. REEB 12.012, each applicant for a real estate salesperson’s license shall submit satisfactory evidence of any of the following:

REEB 12.013(2) (intro.) Except as provided in sub. (3) and s. REEB 12.012, each applicant shall read and write a comprehensive examination in English, testing the applicant's competency to transact the business of a real estate salesperson. The examination shall be in conformity with s. 452.09 (3), Stats.

SECTION 3. REEB 12.017 (1), (2), and (3) (intro.) are amended to read:

REEB 12.017 (1) (intro.) Except as provided in sub. (4) and s. REEB 12.012, each applicant for a real estate broker's license shall submit satisfactory evidence of any of the following:

REEB 12.017 (2) (intro.) Except as provided in sub. (4) and s. REEB 12.012, each applicant for a real estate broker's license shall read and write a comprehensive examination in English, testing the applicant's competency to transact the business of a real estate broker. The examination shall be in conformity with s. 452.09 (3), Stats.

REEB 12.017 (3) (intro.) Except as provided in sub. (4) and s. REEB 12.012:

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Real Estate Examining Board

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 21-043)

ORDER

An order of the Real Estate Examining Board to repeal REEB 24.07 (8) (a) 1g., 24.13 (2) (b), 24.16, and 24.13 (2) (b); to renumber and amend REEB 24.13 (2) (a) and 24.13 (2); to amend REEB 24.01 (2), 24.02 (13m), (14), (16), 24.02 (18) and (19), 24.03 (2) (a) and (c), 24.05 (5) (a) 3., 24.07 (1) (a) and (c), (3), and (5), 24.07 (8) (a) and (d) (title), 1., 2., 3. and (8) (e) 1., 24.075 (3) (a), (b), and (c), 24.08, 24.085, 24.09, 24.12 (1) and (2), 24.13 (1) and (2) (title), 24.13 (3) (b), and (5), 24.15, 24.17 (1), (2m), and (3); to repeal and recreate REEB 24.04, 24.05 (1) and (2), and 24.07 (8)(a)(1); and to create REEB 24.02 (16m) and 24.13 (3) (c), relating to the conduct and ethical practices of licensees.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 452.07, 452.136, 452.135, and 452.14, Stats.

Statutory authority: ss. 15.08 (5) (b) and 452.07 (1), Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b), Stats.]

The board shall promulgate rules for the guidance of the real estate profession and define professional conduct and unethical practice. [s. 452.07 (1), Stats.]

Related statute or rule: Chapter REEB 24

Plain language analysis:

The proposed rule includes a comprehensive review of the chapter to ensure statutory compliance and to ensure it is current with professional standards and practices.

Section 1. is revised to improve grammatical clarity.

Section 2. is revised for updates to the practice and grammatical clarity.

Section 3. is created to define right of first refusal.

Section 4. is revised for clarity and current practices.

Section 5. is revised to clarify that the role of an assisting licensee.

Section 6. is repeals and recreates provisions to refer to the statutes related to advertising standards of practice.

Section 7. repeals provisions and revises codes related to compensation and disclosure of interest requirements.

Section 8. revises code provisions to include other parties representing a seller as it relates to disclosure requirements.

Section 9. clarifies that if a licensee is granted access to a property, the licensee shall inspect the real estate, is revised for corrected statutory references, and amends the section to include all parties in the delivery of a copy of the written report.

Section 10 and 11. delete the provisions related to negotiations and disclosure and is partially recreated to improve consistency with s. 452.135, Stats. regarding licensees providing a written disclosure statement to customers.

Section 12. is revised to reflect negotiating practice and statutory requirements.

Section 13. is revised to improve the title to reflect provisions in the section and add language to clarify disclosure statement requirements when a buyer's firm has exclusive right to locate and a seller's limited service listing with the seller's firm.

Section 14. is revised to include statutory requirements and clarify the intent includes the agreement with a home builder and a licensee, not a contractor. The current language can be confused with contractor for improvements rather than new home construction.

Section 15. revises rule language to update for current practices and statutory compliance.

Sections 16. and 17. are revised to improve grammatical clarity.

Section 18. is revised for clarity and to remove the "right of first refusal" reference to be consistent with current practice.

Section 19. is revised to identify that specific instructions are written and to improve the title for the section to better address the section content.

Section 20. is renumbered for clarity.

Section 21. repeals the provision related to written disclosure to be consistent with s. 435.135, Stats.

Section 22. is revised to improve grammatical clarity and to include a licensed broker and broker business entity.

Section 23. creates a provision indicating that licensees must present all written proposals to a customer unless otherwise directed by the customer in writing and must not withhold any written proposal. This provision is added to improve consistency with s. 435.135, Stats.

Section 24. and 25. are revised to improve grammatical clarity.

Section 26. is repealed as an outdated requirement.

Section 27. improves grammatical clarity and consistency with s. 452.25, Stats. related to conviction of a felony to bar licensure related to the Real Estate Examining Board orders.

Section 28. is the effective date of the changes.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois provides criteria for unprofessional conduct for real estate brokers, salespersons, and other real estate professions as governed under the Illinois Real Estate License Act of 2000 and updated in 2019 under 225 ILCS 454/Art. 20. Further administrative rules outline additional direction for the provisions found under the laws.
<https://www.ilga.gov/commission/jcar/admincode/068/068014500I09000R.html>

Iowa: Iowa provides for unprofessional conduct for real estate brokers and salesperson under IC §543B. (<https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/Chapter.543b.pdf>.) Iowa's Administrative Rules 193E.18 further detail disciplinary and investigatory review in matters such as grounds for discipline and sanctions.
<https://www.legis.iowa.gov/law/administrativeRules/rules?agency=193E&chapter=18&pubDate=01-13-2021>

Michigan: Michigan Laws under 299-1980, Section 339.501-339.559 and Michigan Administrative Rule R 339 Article 5 outlines provisions concerning complaints, disciplinary procedures, and other related issues for real estate professions. Complaints on violations of the occupational codes in Michigan can be filed through the Bureau of Professional Licensing in the Department of Licensing and Regulatory Affairs.
[http://www.legislature.mi.gov/\(S\(1ikbjpybafgho5pahhxyzkcp\)\)/mileg.aspx?page=getObject&objectName=mcl-299-1980-5](http://www.legislature.mi.gov/(S(1ikbjpybafgho5pahhxyzkcp))/mileg.aspx?page=getObject&objectName=mcl-299-1980-5)

Minnesota: Minnesota has adopted standards of conduct for real estate professionals found under s. 82.73, MN Statutes. <https://www.revisor.mn.gov/statutes/cite/82.73> and disciplinary procedures entitled “Denial, Suspension and Revocation of Licensure” under s. 82.82, Stats. <https://www.revisor.mn.gov/statutes/cite/82.82>

Summary of factual data and analytical methodologies:

The Board hears and reviews disciplinary cases related to conduct and ethical practices of real estate licensees under s. 452.14, Stats. This proposed order clarifies and updates professional conduct and ethical practices rule provisions to meet current practice and statutory changes.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

A fiscal estimate and economic impact analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. REEB 24.01 (2) is amended to read:

REEB 24.01 (2) The intent of the board in adopting the rules in this chapter is to establish minimum standards of conduct for real estate licensees and to define ~~that~~ conduct which ~~that~~ may result in board discipline pursuant to s. 452.14, Stats.

SECTION 2. REEB 24.02 (13m), (14), and (16) are amended to read:

REEB 24.02 (13m) “Principal firm” means a firm ~~who~~ that engages a subagent to provide brokerage services in a transaction.

REEB 24.02 (14) “Qualified third party” means a federal, state or local governmental agency, or any person whom the ~~broker, salesperson~~ licensee or a party to the real estate transaction reasonably believes has the expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has been conducted by the third party in order to prepare the written report described in s. 452.23 (2) (b), Stats.

REEB 24.02 (16) “Real estate practice” means engaging in conduct ~~which~~ that requires a license under ch. 452, Stats.

SECTION 3. REEB 24.02 (16m) is created to read:

REEB 24.02 (16m) “Right of first refusal” means the right of a person to have the first opportunity to purchase or lease real property.

SECTION 4. REEB 24.02 (18) and (19) are amended to read:

REEB 24.02 (18) “Transaction” means the sale, exchange, purchase or rental of, or the granting or acceptance of an option ~~to sell~~, exchange, purchase or rent, an interest in real estate, a business, or a business opportunity.

REEB 24.02 (19) “Written proposal” means any written document provided by one party to another during the course of a transaction, including ~~but not limited to~~ notices, offers, counteroffers, options, exchanges, rental agreements, and amendments.

SECTION 5. REEB 24.03 (2) (a) and (c) are amended to read:

REEB 24.03 (2) (a) Licensees shall not provide services ~~which~~ that the licensee is not competent to provide unless the licensee engages the assistance of ~~one~~ another person who is competent. Any person engaged to provide such assistance shall be identified and that person’s contribution shall be described in the documents or records related to the transaction.

REEB 24.03 (2) (c) ~~Licensees~~ A licensee shall be knowledgeable regarding laws, public policies and current market conditions on real estate matters and shall assist, guide, and advise the ~~buying or selling public based upon~~ parties on these factors.

SECTION 6. REEB 24.04 is repealed and recreated to read:

REEB 24.04 **Advertising.** A licensee shall follow the requirements for advertising as specified under s. 452.136, Stats.

SECTION 7. REEB 24.05 (1) and (2) are repealed and recreated to read:

REEB 24.05 (1) COMPENSATION. A licensee shall follow the requirements for compensation as specified under s. 452.133 (3) (a) and (c), Stats.

REEB 24.05 (2) DISCLOSURE OF INTEREST. A licensee shall follow the requirements for disclosure of interest as specified under s. 452.133(3) (b), Stats.

SECTION 8. REEB 24.05 (5) (a) 3. is amended to read:

REEB 24.05 (5) (a) 3. Any other negotiation with the seller, ~~or the listing firm, or other party or firm representing the other party.~~

SECTION 9. REEB 24.07 (1) (a) and (c), (3), and (5) are amended to read:

REEB 24.07 (1) (a) *General requirement.* A licensee, when engaging in real estate practice ~~which that~~ involves real estate improved with a structure, shall conduct a reasonably competent and diligent inspection of accessible areas of the structure and immediately surrounding areas of the property to detect observable, material adverse facts. A licensee, when engaging in real estate practice ~~which that~~ involves vacant land, shall, if the vacant land is accessible, conduct a reasonably competent and diligent inspection of the vacant land to detect observable material adverse facts.

REEB 24.07 (1) (c) *Other licensees.* Licensees, other than listing firms, shall inspect the real estate as required by sub. (1) prior to or during ~~the a~~ showing of the property, unless the licensee is not given access for a showing.

REEB 24.07 (3) DISCLOSURE OF INFORMATION SUGGESTING MATERIAL ADVERSE FACTS. A licensee, when engaging in real estate practice, who becomes aware of information suggesting the possibility of material adverse facts to the transaction, ~~shall be~~ is practicing competently if the licensee discloses to the parties the information suggesting the possibility of material adverse facts to the transaction in writing and in a timely fashion, recommends the parties obtain expert assistance to inspect or investigate for possible material adverse facts to the transaction, and, if directed by the parties, drafts appropriate inspection or investigation contingencies. This provision is not limited to the condition of the property, but includes other material adverse facts to the transaction, including ~~but not limited to~~ defects and conditions included within the report form under ss. ~~703.33 and 709.03 and 709.33~~, Stats. A licensee is not required to retain third party inspectors or investigators to perform investigations of information suggesting the possibility of a material adverse fact to the transaction.

REEB 24.07 (5) RELIANCE UPON THIRD PARTY INSPECTIONS AND INVESTIGATIONS. If a licensee or a party in a transaction engages the services of a qualified third party to conduct a property inspection or investigation of material facts, the licensee may rely on the results of the inspection or investigation providing the licensee obtains a written report of the inspection or investigation and delivers a copy of the report to all ~~interested~~ parties in a timely manner.

SECTION 10. REEB 24.07 (8) (a) 1. is repealed and recreated to read:

REEB 24.07 (8) (a) General requirements. 1. A firm or licensee shall provide a written disclosure statement as prescribed under s. 452.135, Stats.

SECTION 11. REEB 24.07 (8) (a) 1g. is repealed

SECTION 12. REEB 24.07 (8) (a) 1r. is amended to read:

REEB 24.07 (8) (a) 1r. If a ~~client enters into an agency agreement with a firm is negotiating on behalf of a party who is not the client of another firm and the negotiations are to receive brokerage services~~ related to real estate primarily intended for use as a residential property containing one to 4 dwelling units, ~~and the disclosure to clients is not incorporated into the agency agreement~~, the firm shall request the party's signed acknowledgement that the ~~client party~~ has received a copy of the written disclosure statement ~~required in s. 452.135 (2), Stats.~~

SECTION 13. REEB 24.07 (8) (d) (title), 1., 2., 3. and (8) (e) 1. are amended to read:

REEB 24.07 (8) (d) (title) ~~Subagency arrangements~~ *Disclosure statements.*

REEB 24.07 (8) (d) 1. A listing firm shall provide a disclosure statement to a customer as required in s. 452.135 (1), Stats., to the buyer if negotiations are being conducted directly with the buyer and not through a ~~buyers~~ buyer's firm. This requirement may be waived if the buyer's firm has an exclusive right to locate buyer agency agreement that includes a provision removing the exclusive right to negotiate.

REEB 24.07 (8) (d) 2. A buyer's firm shall provide a disclosure statement to a customer as required in s. 452.135 (1), Stats., to a seller if negotiations are being conducted directly with the seller and not through a seller's firm, unless the seller has waived the firm's duty to negotiate under s. 452.133(6), Stats.

REEB 24.07 (8) (d) 3. A subagent shall provide a disclosure statement to a customer as required in s. 452.135 (1), Stats., with whom ~~he or she~~ the subagent is working but not to the principal firm's client.

REEB 24.07 (8) (e) 1. A licensee who is entering into agency agreements for lease or property management contracts shall provide to ~~his or her clients~~ the client the disclosure statement as required in s. 452.135 (2), Stats.

SECTION 14. REEB 24.075 (3) (a), (b) and (c) are amended to read:

REEB 24.075 (3) (a) The builder owns a bona fide interest in the real estate; and there is full disclosure as specified under s. ~~REEB 24.05 (1) (b)~~ 452.133 (3) (c), Stats.

REEB 24.075 (3) (b) The builder and the licensee or the builder and the owner of the real estate are the same person or are commonly controlled corporations and whose business is selling improved property and not vacant land; and there is full disclosure as specified in s. ~~REEB 24.05 (1) (b)~~ 452.133 (3) (c), Stats.

REEB 24.075 (3) (c) The agreement is a bona fide effort to maintain development quality or architectural uniformity and no consideration passes from ~~contractor~~ a builder to a licensee for soliciting this agreement.

SECTION 15. REEB 24.08 is amended to read:

REEB 24.08 **Agreements to be in writing.** A licensee shall put in writing all listing contracts, guaranteed sales agreements, buyer agency agreements, offers to purchase, property management

agreements, ~~option contracts~~ options, financial obligations and any other ~~commitments written proposals~~ regarding transactions, expressing the exact agreement of the parties ~~unless. This section does not apply if~~ the writing is completed by the parties or their attorneys or the writing is outside the scope of the licensee's authority under ch. REEB 16.

SECTION 16. REEB 24.085 is amended to read:

REEB 24.085 **False portrayal of interest, prohibited.** No licensee shall draft or use any document ~~which that~~ the licensee knows falsely portrays an interest in real estate.

SECTION 17. REEB 24.09 is amended to read:

REEB 24.09 **Securing agency agreements.** ~~Licensees~~ A licensee may not mislead a potential client regarding the benefits ~~which that~~ might be realized ~~through the use of~~ by using the licensee's services. A licensee also may not mislead a potential client regarding the market value of real estate or a business opportunity to be leased, rented, purchased, optioned, or sold under an agency agreement.

SECTION 18. REEB 24.12 (1) and (2) are amended to read:

REEB 24.12 (1) Except as provided in sub.(2), a licensee acting as a principal or an agent in a real estate or business opportunity transaction shall not disclose any of the terms of one prospective buyer's offer to purchase, exchange agreement, or option ~~contract proposal~~ to any other prospective buyer or to any person with the intent that this information be disclosed to any other prospective buyer. Licensees shall encourage all prospective buyers to submit their best offers. A licensee may, but is not required to, disclose information known by the licensee regarding the existence of other offers on the property, ~~the fact that a seller has accepted an offer,~~ that the offer is subject to contingencies, and that the offer is subject to a clause requiring removal of certain contingencies upon the occurrence of an event such as receipt, acceptance, or conditional acceptance of another offer.

REEB 24.12 (2) ~~As used in this subsection, "right of first refusal" means the right of a person to have the first opportunity to purchase or lease real property. "Right of first refusal" does not mean a so-called "bump clause" which is a contingency provision in a purchase agreement that requires the prospective buyer to remove certain contingencies in the buyer's purchase agreement or to relinquish the buyer's primary status to a secondary offer.~~ If a licensee is providing brokerage services in a transaction and the licensee has knowledge that the property is subject to a right of first refusal, the licensee shall disclose the right of first refusal, in writing and in a timely manner, to all persons seeking to acquire an interest subject to the right of first refusal. After disclosure of the right of first refusal to a party seeking to acquire an interest in the property, the licensee may deliver a copy of that party's ~~subsequent~~ offer to purchase, exchange agreement, option ~~contract~~, or lease ~~proposal~~ to the party holding the right of first refusal.

SECTION 19. REEB 24.13 (1), and (2) (title), are amended to read:

REEB 24.13 (1) Licensees shall not refuse to draft or submit any written proposal unless the terms of the written proposal would be contrary to specific written instructions of the other party.

REEB 24.13 (2) (title) ~~WITHHOLDING WRITTEN PROPOSALS PROHIBITED~~ ACCESS TO PROPERTY FOR SHOWINGS.

SECTION 20. REEB 24.13 (2) (a) is renumbered to REEB 24.13 (2).

SECTION 21. REEB 24.13 (2) (b) is repealed.

SECTION 22. REEB 24.13 (3) (b) is amended to read:

REEB 24.13 (3) (b) ~~A listing licensed individual broker acting as a sole proprietor or~~ If a firm has a property listed, no licensee associated with a the listing firm, including a licensed individual broker acting as a sole proprietor and licensed broker business entity, or listing firm, may ~~not submit his or her own~~ submit a personal written proposal or offer to purchase a property, ~~which the firm has listed~~ if the licensee has knowledge of the terms of any pending offer, except that a firm may arrange for a guaranteed sale at the time of listing.

SECTION 23. REEB 24.13 (3) (c) is created to read:

REEB 24.13 (3) (c) A licensee shall promptly present all written proposals received to the licensee's client or customer unless the presentation would be contrary to specific written instructions from the licensee's client or customer. A licensee shall not withhold any written proposal from presentation pending the party's action on a written proposal previously presented unless the presentation would be contrary to specific written instructions from the licensee's client or customer.

SECTION 24. REEB 24.13 (5) is amended to read:

REEB 24.13 (5) **NEGOTIATION THROUGH FIRM.** A licensee may not negotiate a sale or lease of real estate directly with a party if the licensee knows that the party has an unexpired written contract in connection with the real estate ~~which that~~ grants to another licensee an exclusive right to sell, lease, or negotiate. All negotiations shall be conducted with the firm holding the exclusive right to sell, lease, or negotiate, and not with the party, except with the consent of the firm or where the absence of the firm, or other similar circumstances, reasonably compels direct negotiation with the party. A listing firm has no duty to investigate whether a buyer has granted a buyer's agent an exclusive right to negotiate.

SECTION 25. REEB 24.15 is amended to read:

REEB 24.15 **Adequate funds required.** Licensees ~~shall~~ may not issue checks upon business or trust accounts ~~which that~~ contain insufficient funds.

SECTION 26. REEB 24.16 is repealed.

SECTION 27. REEB 24.17 (1), (2m) and (3) are amended to read:

REEB 24.17 (1) VIOLATIONS OF LAW. Licensees may not violate, or aid or abet the violation of, any law the circumstances of which substantially relate to the practices of a real estate licensee. A licensee, who has been convicted of a crime, shall send to the board, within 48 hours after the judgment of conviction, a copy of the complaint or other information ~~which~~ that describes the nature of the crime and the judgment of conviction in order that the board ~~may~~ determine whether the circumstances of the crime of which the licensee was convicted are substantially related to the practice of a real estate licensee, pursuant to s. 111.335 (3) (a), Stats.

REEB 24.17 (2m) CONVICTION. The board may revoke a license ~~or registration on the basis of~~ based on a conviction of a felony that is a bar to licensure ~~or registration~~ under s. 452.25 (1) (a), Stats.

REEB 24.17 (3) VIOLATION OF STATUTES, ADMINISTRATIVE CODE AND ~~DISCIPLINARY BOARD~~ ORDERS. Licensees ~~shall~~ may not violate any provisions or terms or conditions of, or aid or abet the violation of ch. 452, Stats., chs. REEB 11 to 25 or any ~~disciplinary~~ order of, the board.

SECTION 28. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____ Agency _____
Chairperson
Real Estate Examining Board

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 21-018)

PROPOSED ORDER

An order of the Real Estate Examining Board to repeal REEB 12.011 and amend REEB 12.017 (3) (a) (intro.), relating to obsolete references to predetermination of criminal convictions in licensure applicants and apprenticeships.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 111.335 (4) (f) 6., 440.03 (13) (bm), 452.09 (4), and 452.11 (1), Stats.

Statutory authority: ss. 15.08 (5) (b) and 452.07 (1), Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession. [s. 15.08 (5) (b), Stats.]

Section 452.07 (1), Stats. indicates the board shall promulgate rules for the guidance of the real estate profession and define professional conduct and unethical practice.

Related statute or rule: ss. 111.335 (4) (f) 6., 440.03 (13) (bm), 452.09 (4), and 452.11 (1), Stats.

Plain language analysis:

The Real Estate Examining Board Administrative Rule REEB 12.011 relates to criminal conviction predeterminations. 2017 Act 278 requires that the Real Estate Examining Board promulgate rules establishing a procedure that allows an individual to apply to the Board for a determination of whether the individual would be disqualified from obtaining a license or certificate due to their criminal record. Section 111.335 (4) (f) 6., Stats. provides the

requirements in which the predeterminations are reviewed by the Wisconsin Department of Safety and Professional Services in lieu of the Board.

This rule revision also removes the reference under REEB 12.017 (3) (a) (intro.) to apprenticeships, as apprenticeships are no longer licensed under the Board's administrative rules.

Summary of, and comparison with, existing or proposed federal regulation:

The federal government does not regulate the prelicensure predetermination for members of the real estate profession nor real estate broker apprenticeships.

Comparison with rules in adjacent states:

Illinois: Illinois does not have a process in which an applicant may apply for a predetermination of a criminal conviction before officially applying for real estate licensure. Illinois does not include apprenticeships for real estate.

Iowa: Iowa requires a background check which includes fingerprint submission, to be completed prior to taking a real estate licensure exam. Once the background check has been reviewed and approved, an applicant then must pass a licensure exam. [Iowa Code § 543B.15(9)] Iowa does not have real estate apprenticeships.

Michigan: Michigan does not have a predetermination process for applications for real estate licensure nor apprenticeships for real estate.

Minnesota: Minnesota does not have a predetermination process for applications for real estate licensure nor apprenticeships for real estate.

Summary of factual data and analytical methodologies:

The Board reviewed REEB 12 as a result of its 2019 biennial report under s. 227.29, Stats., and determined that REEB 12.011 includes an obsolete reference to predetermination standards that should be repealed. It also found that the reference to apprenticeships should be deleted in s. REEB 12.017 (3) (a) (intro.).

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Kassandra Walbrun, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. REEB 12.011 is repealed.

SECTION 2. REEB 12.017 (3) (a) (intro.) is amended to read:

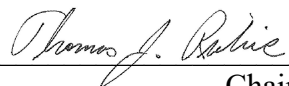
REEB 12.017 (3) (a) (intro.) Each applicant for a real estate broker's license shall submit evidence satisfactory to the board that the applicant has practiced as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of application, ~~excluding any time the applicant spent in an apprenticeship~~. Except as provided in pars. (b) to (d), the evidence shall demonstrate that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Real Estate Examining Board is approved for submission to the Governor and Legislature.

Dated 6/15/21

Agency 
Chair
Real Estate Examining Board



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE ADAM NEYLON

December 14, 2021

Real Estate Examining Board
DSPS
PO Box 8366
Madison, WI 53708-8366

Dear Mr. Thomas J. Richie:

As Co-Chairs of the Joint Committee for Review of Administrative Rules (JCRAR), we are writing to notify you that on December 14, 2021 the committee voted to indefinitely object in part to CR 21-018, relating to obsolete references to predetermination of criminal convictions in licensure applicants and apprenticeships.

Pursuant to s. 227.19 (5) (dm), Stats., the portions of CR 21-018 indefinitely objected to by the committee cannot be promulgated or enforced by the board unless legislation granting the board specific authority to promulgate the objected to portions of the rule is passed by the Legislature and signed into law by the Governor.

The full text of the motion passed by JCRAR is as follows:

Moved that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.19 (5) (dm), Stats., indefinitely objects to the repeal of s. REEB 12.011, as described in SECTION 1 of Clearinghouse Rule 21-018, relating to obsolete references to predetermination of criminal convictions in licensure applicants and apprenticeships (Real Estate Examining Board), on the grounds that the provision of the proposed rule fails to comply with legislative intent and is absent of statutory authority.

Please contact us if you need any additional information or have further questions on this issue.

Sincerely,

Handwritten signature of Senator Steve Nass in black ink.

Senator Steve Nass
Co-Chair, JCRAR

Handwritten signature of Representative Adam Neylon in black ink.

Rep. Adam Neylon
Co-Chair, JCRAR

**Real Estate Examining Board
Rule Projects (updated 01/24/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
21-055	098-20	01/27/2023	REEB 12	Reciprocal Credentials for Service Members, Former Service Members, and their Spouses	Adoption Order Presented at the 02/03/22 Meeting	Rule Anticipated to be Effective on 04/01/22
21-018	097-20	01/27/2023	REEB 12	Obsolete References to Predetermination of Criminal Convictions in Licensure Applicants and Apprenticeships	Board to Consider Germane Modification or Withdrawal of Rule Based on JCRAR Objection	Depends on Board Action at 02/03/22 Meeting
21-043	075-19	02/12/2022	REEB 24	Conduct and Ethical Practices	Adoption Order Presented at the 02/03/22 Meeting	Rule Anticipated to be Effective on 04/01/22

WB-40 AMENDMENT TO OFFER TO PURCHASE

**CAUTION: Use a WB-40 Amendment if both Parties will be agreeing to modify the terms of the Offer.
Use a WB-41 Notice if a Party is giving a Notice which does not require the other Party's agreement.**

1 Buyer and Seller agree to amend the Offer dated _____, and accepted on _____,
2 for the purchase and sale of real estate at _____
3 _____, Wisconsin as follows:
4 Closing date is changed from _____, _____, to _____, _____.
5 Purchase price is changed from \$ _____ to \$ _____.
6 Other: _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____
29 _____
30 _____

31 The attached _____ is/are made part of this Amendment.
32 ALL OTHER TERMS OF THE OFFER TO PURCHASE AND ANY PRIOR AMENDMENTS REMAIN THE SAME.
33 This Amendment is binding upon Seller and Buyer only if a copy of the accepted Amendment is delivered to the Party
34 offering the Amendment on or before _____ (Time is of the Essence). Delivery
35 of the accepted Amendment may be made in any manner specified in the Offer to Purchase, unless otherwise provided
36 in this Amendment.
37 **NOTE: The Party offering this Amendment may withdraw the offered Amendment prior to acceptance and**
38 **delivery as provided at lines 33-34.**

39 This Amendment was drafted by _____ on _____
40 Licensee and Firm ▲ Date ▲

41 This Amendment was presented by _____ on _____
42 Licensee and Firm ▲ Date ▲

43 (x) _____ (x) _____
44 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲
45 Print name ► Print name ►

46 (x) _____ (x) _____
47 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲
48 Print name ► Print name ►

49 This Amendment was rejected _____
50 Party Initials ▲ Date ▲

WB-41 NOTICE RELATING TO OFFER TO PURCHASE

**CAUTION: Use a WB-41 Notice if a Party is giving a Notice which does not require the other Party's agreement.
Use a WB-40 Amendment if both Parties will be agreeing to modify the terms of the Offer.**

1 This Notice by (Seller)(Buyer) STRIKE ONE relates to the Offer to Purchase dated _____, _____
2 and accepted on _____, _____, for the purchase and sale of real estate at _____
3 _____, Wisconsin.
4 Notice is given that (Attach supporting documents, if required): _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____

27 The attached _____ is/are made part of this Notice.

28 This Notice was drafted by _____ on _____
29 _____ Licensee and Firm for Initiating Party ▲ _____ Date ▲

30 **CAUTION: Once delivered, a Notice cannot be withdrawn by the Initiating Party without the written consent of**
31 **the Receiving Party.**

32 (x) _____ (x) _____
33 Signature of Party Initiating Notice ▲ Date ▲ Signature of Party Initiating Notice ▲ Date ▲
34 Print name ► Print name ►

35 This Notice was delivered by _____ on _____
36 _____ Licensee and Firm for Initiating Party ▲ _____ Date ▲
37 at _____ a.m./p.m. STRIKE ONE using an authorized method of delivery.

38 **ACTUAL RECEIPT** If the Offer requires Actual Receipt the following may be completed

39 This Notice was sent to the Receiving Party by _____ on _____
40 _____ Licensee and Firm for Receiving Party ▲ _____ Date ▲
41 at _____ a.m./p.m. STRIKE ONE

42 Receiving Party acknowledges Actual Receipt of this Notice occurred on _____ at _____
43 a.m./p.m. STRIKE ONE (x) _____
44 _____ Initials of Receiving Party ▲

WB-44 COUNTER-OFFER

Counter-Offer No. _____ by (Buyer)(Seller) **STRIKE ONE**

NOTE: Number this Counter-Offer sequentially, e.g. Counter-Offer No. 1 by Seller, Counter-Offer No. 2 by Buyer, etc.

1 The Offer to Purchase dated _____ and signed by Buyer _____
2 _____ for purchase of real estate at _____
3 _____ is rejected and the following Counter-Offer is hereby made.
4 **CAUTION: This Counter-Offer does not include the terms or conditions in any other counter-offer or multiple**
5 **counter-proposal unless incorporated by reference.**
6 All terms and conditions remain the same as stated in the Offer to Purchase except the following: _____

7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____

28 The attached _____ is/are made part of this Counter-Offer.
29 Any warranties, covenants and representations made in this Counter-Offer survive the closing of this transaction.
30 This Counter-Offer is binding upon Seller and Buyer only if a copy of the accepted Counter-Offer is delivered to the Party
31 making the Counter-Offer on or before _____ (Time is of
32 the Essence). Delivery of the accepted Counter-Offer may be made in any manner specified in the Offer to Purchase,
33 unless otherwise provided in this Counter-Offer.

34 **NOTE: The Party making this Counter-Offer may withdraw the Counter-Offer prior to acceptance and delivery as**
35 **provided at lines 30-32.**

36 This Counter-Offer was drafted by _____ on _____
37 Licensee and Firm ▲ Date ▲

38 (x) _____ (x) _____
39 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲
40 Print name ► Print name ►

41 (x) _____ (x) _____
42 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲
43 Print name ► Print name ►

44 This Counter-Offer was presented by _____ on _____
45 Licensee and Firm ▲ Date ▲

46 This Counter-Offer is (rejected)(countered) **STRIKE ONE** (Party's Initials) _____

47 **NOTE: Provisions from a previous Counter-Offer may be included by reproduction of the entire provision or**
48 **incorporation by reference. Provisions incorporated by reference may be indicated in the subsequent Counter-**
49 **Offer by specifying the number of the provision or the lines containing the provision. In transactions involving**
50 **more than one Counter-Offer, the Counter-Offer referred to should be clearly specified.**

WB-45 Cancellation Agreement and Mutual Release

1 The undersigned Parties agree that the _____
2 (Contract) dated _____, for the
3 property located at _____,
4 in the _____ of _____, State of Wisconsin, is canceled and the Parties hereby
5 release all of their right, title, and interest in and to the Contract, and any and all claims arising out of the transaction.

6 The Parties hereby release the Firms and their licensees from any and all liability for disbursing trust funds as directed
7 and hereby authorize and direct the Firm or third party holding the earnest money or other trust funds to disburse the
8 trust funds held on behalf of the Parties as follows:

9 \$ _____ shall be disbursed to _____

10 Address (optional): _____

11 \$ _____ shall be disbursed to _____

12 Address (optional): _____

13 This Cancellation Agreement and Mutual Release (CAMR) shall be effective only if all Parties to the Contract have signed
14 an identical copy of this CAMR (including signatures on separate but identical copies of the CAMR), and if the fully-
15 executed CAMR has been delivered to the Party initiating the CAMR on or before _____
16 _____. Delivery may be made in any manner authorized in the Contract.

17 **NOTE: The Party initiating this CAMR may withdraw the CAMR prior to acceptance and delivery as provided at**
18 **lines 13-16.**

19 (X) _____
20 Party's Signature ▲ Print Name Here ► Date ▲

21 (X) _____
22 Party's Signature ▲ Print Name Here ► Date ▲

23 (X) _____
24 Party's Signature ▲ Print Name Here ► Date ▲

25 (X) _____
26 Party's Signature ▲ Print Name Here ► Date ▲

27 (X) _____
28 Party's Signature ▲ Print Name Here ► Date ▲

29 (X) _____
30 Party's Signature ▲ Print Name Here ► Date ▲

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Angela Marshman – LPPA – DPCP	2) Date When Request Submitted: 1/25/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting
---	---

3) Name of Board, Committee, Council, Sections:
Real Estate Examining Board

4) Meeting Date: 02/03/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Reciprocal Licenses granted since 12/9/2021 & Licenses issued within the last 3 and 5 years
---------------------------------------	--	--

7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
---	--	---

10) Describe the issue and action that should be addressed:

Reciprocal Licenses granted since 12/9/2021

PROFESSION NAME	METHOD	METHOD DESCRIPTION	AUTHORITY NAME	COUNT
Real Estate Broker(90)	EXAM	By Exam	Real Estate Examining Board	15
Real Estate Broker(90)	OLAS	OLAS	Real Estate Examining Board	19
Real Estate Broker(90)	OUTOFSTATE	Out of State Licensure	Real Estate Examining Board	4
Real Estate Broker(90)	RECIPROCIT	Reciprocity	Real Estate Examining Board	1
Real Estate Business Entity(91)	NEW	Original Application - Never Licensed Before	Real Estate Examining Board	21
Real Estate Business Entity(91)	OLAS	OLAS	Real Estate Examining Board	12
Real Estate Salesperson(94)	EXAM	By Exam	Real Estate Examining Board	155
Real Estate Salesperson(94)	OLAS	OLAS	Real Estate Examining Board	110
Real Estate Salesperson(94)	OUTOFSTATE	Out of State Licensure	Real Estate Examining Board	7
Real Estate Salesperson(94)	RECIPROCIT	Reciprocity	Real Estate Examining Board	5

11) Signature of person making this request	Authorization	Date
Angela Marshman		01/25/2022
Supervisor (if required)		Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date		

AGENDA REQUEST FORM

Directions for including supporting documents:

1. This form should be attached to any documents submitted to the agenda.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.

Credential Methods Counts from 1/1/2017 to 12/31/2021

PROFESSION NAME	METHOD	METHOD DESCRIPTION	AUTHORITY NAME	COUNT
Real Estate Broker(90)	EXAM	By Exam	Real Estate Examining Board	617
Real Estate Broker(90)	OLAS	OLAS	Real Estate Examining Board	484
Real Estate Broker(90)	OUTOFSTATE	Out of State Licensure	Real Estate Examining Board	41
Real Estate Broker(90)	RECIPROCIT	Reciprocity	Real Estate Examining Board	45
Real Estate Business Entity(91)	NEW	Original Application - Never Licensed Before	Real Estate Examining Board	648
Real Estate Business Entity(91)	OLAS	OLAS	Real Estate Examining Board	317
Real Estate Salesperson(94)	EXAM	By Exam	Real Estate Examining Board	5919
Real Estate Salesperson(94)	OLAS	OLAS	Real Estate Examining Board	6172
Real Estate Salesperson(94)	OUTOFSTATE	Out of State Licensure	Real Estate Examining Board	320
Real Estate Salesperson(94)	RECIPROCIT	Reciprocity	Real Estate Examining Board	142

Credential Methods Counts from 1/1/2017 to 12/31/2019

PROFESSION NAME	METHOD	METHOD DESCRIPTION	AUTHORITY NAME	COUNT
Real Estate Broker(90)	EXAM	By Exam	Real Estate Examining Board	334
Real Estate Broker(90)	OLAS	OLAS	Real Estate Examining Board	236
Real Estate Broker(90)	OUTOFSTATE	Out of State Licensure	Real Estate Examining Board	17
Real Estate Broker(90)	RECIPROCIT	Reciprocity	Real Estate Examining Board	17
Real Estate Business Entity(91)	NEW	Original Application - Never Licensed Before	Real Estate Examining Board	383
Real Estate Business Entity(91)	OLAS	OLAS	Real Estate Examining Board	144
Real Estate Salesperson(94)	EXAM	By Exam	Real Estate Examining Board	3316
Real Estate Salesperson(94)	OLAS	OLAS	Real Estate Examining Board	3453
Real Estate Salesperson(94)	OUTOFSTATE	Out of State Licensure	Real Estate Examining Board	109
Real Estate Salesperson(94)	RECIPROCIT	Reciprocity	Real Estate Examining Board	62