



**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Will Johnson (608) 266-2112
June 15, 2023**

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 April 13, 2023 (5-8)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Berry, Jeffery K. – 7/1/2026
 - 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. – 7/1/2026
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Disciplinary Trends in Real Estate – Discussion and Consideration**
- H. Administrative Rules Matters – Discussion and Consideration (9)**
 - 1) Adoption Order: REEB 12, relating to Predetermination and Broker Requirements (CR 21-018) **(10-12)**
 - 2) Preliminary Rule Draft: 12 and 25, Relating to License Renewal and Continuing Education
 - 3) Pending or Possible Rulemaking Projects **(13)**
- I. Newsletter Matters – Discussion and Consideration**

J. Report from the Real Estate Contractual Forms Advisory Council – Discussion and Consideration ()

K. 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) Public Health Emergencies
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. 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.).

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

- 1) Proposed Stipulations, Final Decisions and Orders**
 - a. 20 REB 019 – Ashley M. Thomas **(14-21)**
 - b. 21 REB 013 – Michael J. Baron, Mike & Mike’s Inc. DBA PMI of Greater Milwaukee **(22-28)**
 - c. 22 REB 013 – Jacob David **(29-35)**
- 2) Administrative Warnings**
 - a. 19 REB 072 – E.N. **(36-37)**
 - b. 19 REB 072 – G.U., A. **(38-39)**
 - c. 19 REB 072 – P.D.A. **(40-41)**
 - d. 20 REB 041 – R.W.S., R.S.A **(42-44)**

- e. 22 REB 011 – D.R.K. (45-46)
- f. 23 REB 028 – A.V. (47-48)
- g. 23 REB 066 – J.D. (49-50)
- 3) **Case Closings**
 - a. 20 REB 041 – T.S. (51-58)
 - b. 21 REB 106 – K.R., F.R.E., D.S., C.M. (59-64)
 - c. 22 REB 013 – C.G., W.R. (65-69)
- 4) **Monitoring Matters (70-71)**
 - a. Jessica Bonilla, Real Estate Salesperson – Requesting Full Licensure (72-85)
 - b. Justin Hurd, Real Estate Broker – Requesting Full Licensure (86-100)
 - c. Joseph Risse, Real Estate Salesperson – Requesting Full Licensure (101-113)
 - d. Roman Sloan, Real Estate Salesperson – Requesting Full Licensure (114-126)
 - e. Crystal Tuescher-Croft, Real Estate Salesperson – Reinstatement Approval Request (127-136)

N. 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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 17, 2023

 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. 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 hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
MEETING MINUTES
APRIL 13, 2023**

PRESENT: Gurmit Kaleka, Cathy Lacy, Elizabeth Lauer, Sonya Mays, Dennis Pierce, Thomas Richie

EXCUSED: Jeffery Berry

STAFF: Will Johnson, Executive Director; Renee Parton, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Dialah Azam, Bureau Assistant; and Other Department Staff

CALL TO ORDER

Thomas Richie, Chairperson, called the meeting to order at 10:05 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF FEBRUARY 2, 2023

MOTION: Dennis Pierce moved, seconded by Elizabeth Lauer, to approve the Minutes of February 2, 2023 as published. Motion carried unanimously.

**REPORT FROM THE
REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL**

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to designate Sonya Mays to approve the WB-36 and WB-39 revisions and formatting with wire fraud language once finalized. Motion carried unanimously.

MOTION: Thomas Richie moved, seconded by Sonya Mays, to authorize wire fraud language be added to WB 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 24, 37, 38 forms. Motion carried unanimously.

CLOSED SESSION

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, 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.). Thomas Richie, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll

Call Vote: Gurmit Kaleka-yes; Cathy Lacy -yes; Elizabeth Lauer-yes; Sonya Mays-yes; Dennis Pierce-yes; and Thomas Richie-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:09 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

MOTION: Elizabeth Lauer 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 141 – Susan M Fellows, Peter Ogden, Ogden & Company
2. 20 REB 055 - Steven A. Walczak, Match Realty Group
3. 20 REB 074 – Rodney A. Freymiller
4. 20 REB 122 – Cynthia L. Wollersheim-Tilson
5. 21 REB 019 – Robin J. Fazio, Angelo A. Fazio, Buyers Vantage
6. 21 REB 051 – William R. Webber
7. 21 REB 054 – Thomas L. Simonsen
8. 21 REB 107 – Christopher F. Laes
9. 21 REB 122 – April M. Pirwitz
10. 22 REB 070 – Karen Trentadue, D’Aprile Properties Fontana
11. 22 REB 070 – Michael Corey

Motion carried unanimously.

Administrative Warnings

MOTION: Elizabeth Lauer moved, seconded by Thomas Richie, to issue an Administrative Warning in the following DLSC Cases:

1. 20 REB 055 – P.L.J.
2. 20 REB 055 – R.J.H.
3. 20 REB 078 – Q.H.
4. 20 REB 078 – R.M.S., H.R.
5. 21 REB 054 – C.R.
6. 22 REB 019 – D.L.C., E.R.
7. 22 REB 107 – B.M.G.
8. 22 REB 124 – C.M.Z.
9. 23 REB 016 – R.C.W., P.R.R.L.D.E.R.H.

Motion carried unanimously.

Case Closings

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to close the following DLSC Cases for the reasons outlined below:

1. 20 REB 074 – T.S., T.S.A.R. – No Violation
2. 20 REB 109 – M.M., G.M. – Insufficient Evidence
3. 20 REB 122 – J.B. – No Violation
4. 22 REB 088 – K.C., A.R.E. – Prosecutorial Discretion (P1)

5. 22 REB 120 – O.B. – Insufficient Evidence
 6. 22 REB 121 – J.R.R., D.M.L., L.M. – No Violation
- Motion carried unanimously.

Monitoring

Leonel Cortes – Requesting Full Licensure

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to grant the request of Leonel Cortes for full licensure. Motion carried unanimously.

Amy LaCapelle – Requesting Full Licensure

MOTION: Elizabeth Lauer moved, seconded by Thomas Richie, to grant the request of Amy LaCapelle for full licensure. Motion carried unanimously.

Bryan Lam – Requesting Full Licensure

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to grant the request of Bryan Lam for full licensure. Motion carried unanimously.

Joshua Slaton – Requesting Full Licensure

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to grant the request of Joshua Slaton for full licensure. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Courtney K. Kelbel and WI Realty Services – (DHA Case Number SPS-22-0064/DLSC Case Number 18 REB 079)

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Courtney K. Kelbel and WI Realty Services, Respondent – DHA Case Number SPS-22-0064/DLSC Case Number 18 REB 079. Motion carried unanimously.

(Thomas Richie recused himself and left the room for deliberation and voting in the matter concerning Courtney K. Kelbel and WI Realty Services, Respondent – DHA Case Number SPS-22-0064/DLSC Case Number 18 REB 079.)

RECONVENE TO OPEN SESSION

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:49 a.m.

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

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

The meeting adjourned at 11:52 a.m.

DRAFT

**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: 6/5/2023 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: 6/15/23	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: REEB 12, Relating to Predetermination and Broker Requirements (CR 21-018) 2. Preliminary Rule Draft 12 and 25, Relating to License Renewal and Education 3. Pending or Possible Rulemaking Projects a. Rule Project Chart	
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 <Appearance Name(s)> <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: Attachments: CR 21-018 Adoption Order Preliminary Rule Draft 12 and 25, relating to License Renewal and Education Rule Project Chart (Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)			
11) Authorization			
		6/5/23	
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: 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.			

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 21-018)

ORDER

An order of the Real Estate Examining Board to amend REEB 12.017 (3) (a), 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), 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), 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 repealed the Real Estate Examining Board's authority to 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. Act 278 established conviction predetermination requirements, and there is no longer the ability for the Board to conduct its own predeterminations. Section 111.335 (4) (f), Stats. provides the requirements in which the

predeterminations are reviewed by the Wisconsin Department of Safety and Professional Services. This rule revision also removes the reference under REEB 12.017(3)(a) to apprenticeships, as apprenticeships are no longer licensed under the Board's administrative rules.

During the first legislative review period, the Legislature made an Indefinite Objection to repealing REEB 12.011. Therefore, the Board filed a Germane Modification request with the legislature to remove that change from the rule draft.

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).

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Dana Denny, 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 or at (608) 287-3748.

TEXT OF RULE

SECTION 1. REEB 12.017(3)(a) is amended to read:

REEB 12.017 (3) (a) 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 2. 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

Real Estate Examining Board**REEB Rule Project Chart (updated 6/5/2023)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Step	Next Step
	078-22	03/19/2025	REEB 12 and 25	License Renewal and Continuing Education	Rule Drafting	Board Approval of Preliminary Rule Draft.
21-018	097-20	01/27/2023	REEB 12	Predetermination and Broker Requirements	Adoption Order Presented at 6/15/23 Meeting.	Submission for Publication; Anticipated Effective Date of 08/01/23.