



VIRTUAL/TELECONFERENCE
COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
May 5, 2022

The following agenda describes the issues that the Council 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 Council.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of the Minutes of March 22, 2022 (3-4)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Council Updates
 - 2) Council Member – Term Expiration Dates
 - a. Blakely, Robert – 7/1/2020
 - b. Blood, Anne M. – 7/1/2023
 - c. Lauer, Elizabeth A.
 - d. Zimmerman, Kathy S. – 7/1/2020
- F. Education and Examination Matters – Discussion and Consideration**
 - 1) 2021-2022 Real Estate Continuing Education (CE) Curriculum
 - 2) 2023-2024 Real Estate Continuing Education (CE) Curriculum **(5-10)**
- G. Discussion and Consideration of Items Received After Preparation of the Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Administrative Matters
 - 5) Education and Examination Matters
 - 6) Liaison Reports
 - 7) Council Liaison Training and Appointment of Mentors
 - 8) Informational Items
- H. Public Comments**

ADJOURNMENT

NEXT MEETING: JULY 7, 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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS
MEETING MINUTES
MARCH 22, 2022**

PRESENT: Robert Blakely, Anne Blood, Elizabeth Lauer, Kathy Zimmermann

STAFF: Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

Robert Blakely, Chairperson, called the meeting to order at 10:01 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JULY 30, 2020

MOTION: Elizabeth Lauer moved, seconded by Kathy Zimmermann, to approve the Minutes of July 30, 2020 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: Kathy Zimmermann moved, seconded by Elizabeth Lauer, to recognize and thank Kathryn Kuhl for her years of service to the Council on Real Estate Curriculum and Examinations and the State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Kathy Zimmermann nominated Robert Blakely for the Office of Chairperson. Robert Blakely accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Robert Blakely was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Elizabeth Lauer nominated Kathy Zimmermann for the Office of Vice Chairperson. Kathy Zimmermann accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Kathy Zimmermann was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Kathy Zimmermann nominated Elizabeth Lauer for the Office of Secretary. Elizabeth Lauer accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Elizabeth Lauer was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Robert Blakely
Vice Chairperson	Kathy Zimmermann
Secretary	Elizabeth Lauer

ADJOURNMENT

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

The meeting adjourned at 10:33 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Adam Barr, Executive Director on behalf of Jennifer Lindsley		2) Date when request submitted: 4/26/2022 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 Curriculum and Examinations Council			
4) Meeting Date: 5/5/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Education and Examination Matters – Discussion and Consideration - 2023-2024 Real Estate Continuing Education (CE) Curriculum	
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 applicable:	
10) Describe the issue and action that should be addressed: Discussion of the recommendations requested of the Wisconsin Realtors Association.			
11) Authorization			
<i>Adam Barr</i>		4/26/2022	
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.			

2023-2024 Continuing Education Curriculum

Under the 2023-2024 continuing education:

- Licensees are required to complete 18 hours of continuing education.
- Each approved hour will be 50 minutes of instruction.
- Each approved hour will be followed by a 5 question quiz.
- Each licensee must complete 12 hours of mandatory content and 6 hours of elective content
 - All licensees will complete the same 12 hours of mandatory education.
 - For the electives, a licensee can complete the six pre-approved electives, or another elective submitted by a provider that meets the elective requirements.
 - Electives must:
 - Be specific to Wisconsin real estate.
 - Include instruction on Wisconsin forms, Wisconsin law, Wisconsin Administrative Code or a combination of these topics.
 - Elective topics must be instructional in nature with a goal of increasing or maintaining a Wisconsin licensee's competence to practice real estate.
 - Designation courses approved by the National Association of REALTORS® may be used to satisfy elective hours. For example, a 3-hour Designation Course may be used to satisfy 3 hours of elective topics.
- A licensee will receive a certificate of completion for each hour of education successfully completed.
- Approved providers that incorporate WB forms into continuing education must use the current version of the WB form and all content references to statutes and rules must be current.

Mandatory Topics

1. Wisconsin Agency Law

- a. Agency relationships (Wis. Stat. § 452.134)
- b. A licensee's duties to all parties and clients (Wis. Stat. § 452.133)
- c. Creation and termination of agency (relevant WB agency agreement, e.g., WB-1 Residential Listing Contract – Exclusive Right to Sell, WB-36 Buyer Agency/Tenant Representation Agreement)

2. Wisconsin Department of Safety and Professional Services Disciplinary Actions*

- a. Disciplinary proceedings (Wis. Stat. Ch. 440, Wis. Admin. Code Ch. SPS 2)
- b. Case studies: discipline issued to Wisconsin real estate licensees (<https://dsps.wi.gov/Pages/SelfService/OrdersDisciplinaryActions.aspx>)
- c. Pathways to Professionalism: courtesy and etiquette for Wisconsin licensees (<https://www.nar.realtor/code-of-ethics-and-arbitration-manual/pathways-to-professionalism>, Preamble to the Code of Ethics (<https://www.nar.realtor/about-nar/governing-documents/code-of-ethics/2022-code-of-ethics-standards-of-practice#preamble>))

3. Commissions in Wisconsin Agency Agreements Contracts, Offers of Compensation and Antitrust*

- a. Accurately representing fees charged to consumers (Relevant WB agency agreement, e.g., lines 27-53 of the WB-1 Residential Listing Contract – Exclusive Right to Sell, lines 33-52 of the WB-36 Buyer Agency/Tenant Representation Agreement, Article 12 NAR Code of Ethics)
- b. Antitrust (15 USC §§ 1-7, as applicable, Article 12 Code of Ethics)
- c. Referral fees (Wis. Stat. § 452.19, Wis. Stat. 452.133(3)(a), Wis. Stat. § 452.14(3)(f))

4. The Inspection Contingency in the Wisconsin Offers to Purchase

- a. Inspection contingency (relevant WB offer to purchase, e.g., lines 193-226 of the WB-11 Residential Offer to Purchase)
- b. Notices and amendments (WB-41 Notice Relating to Offer to Purchase, WB-40 Amendment to Offer to Purchase)
- c. Inspection report (Wis. Stat. § 440.975)

5. Wisconsin Legislative Updates Related to Real Estate

- a. New or revised statutes
- b. New or revised administrative code
- c. Repealed statutes or administrative code, if any

Upon approval by the DSPS, Wisconsin REALTOR® & Government Day will satisfy Wisconsin Legislative Updates Related to Real Estate.

6. Wisconsin Real Estate Case Law Update

- a. Relevant case law related to licensing law, if available
- b. Relevant case law related to land use, if available
- c. Relevant case law related to general real estate, if available

7. Advertising for Wisconsin Real Estate Licensees*

- a. Inclusion of firm's name (Wis. Stat. § 452.136, Article 12 NAR Code of Ethics)
- b. Term of the contract (relevant WB listing contract, e.g., lines 311-313 of the WB-1 Residential Listing Contract – Exclusive Right to Sell, Article 12 NAR Code of Ethics)
- c. Marketing (relevant WB listing contract, e.g., lines 18-26 of the WB-1 Residential Listing Contract – Exclusive Right to Sell, Article 12 NAR Code of Ethics)

8. Default, Earnest Money, and WB-45 Cancellation Agreement and Mutual Release

- a. Present options, not legal advice (Wis. Stat. § 452.40, relevant WB offer to purchase, e.g., lines 487-506 of the WB-11 Residential Offer to Purchase)
- b. Disbursement of earnest money held by a firm (Wis. Admin. Code § REEB 18.09, relevant WB offer to purchase, e.g., lines 67-77 of the WB-11 Residential Offer to Purchase)
- c. WB-45 Cancellation Agreement and Mutual Release

9. Financing Commitment and Appraisal Contingencies in the Wisconsin Offers to Purchase

- a. Financing commitment contingency (relevant WB offer to purchase, e.g., lines 247-287)
- b. Offer not contingent on financing (relevant WB offer to purchase, e.g., lines 296-307)
- c. Appraisal contingency (relevant WB offer to purchase, e.g., lines 308-327)

10. Fair Housing in Wisconsin Transactions*

- a. Protected classes (Wis. Stat. § 106.50, Article 10 NAR Code of Ethics)
- b. Prohibited practices (Wis. Stat. § 106.50, Article 10 NAR Code of Ethics)
- c. Implicit bias (<https://www.nar.realtor/fair-housing>)

11. Agent-to-Agent Relationships*

- a. Cooperation, access to property or offer presentation (Wis. Admin. Code § REEB 24.13, relevant WB listing contract, e.g., lines 151-158 of the WB-1 Residential Listing Contract – Exclusive Right to Seller, Article 15 NAR Code of Ethics)
- b. Responding to offers (Wis. Admin. Code § REEB 24.13, Article 15 Code of Ethics)
- c. Confidentiality of offers (Wis. Admin. Code § REEB 24.12, Article 15 Code of Ethics)

12. Seller and Licensee Disclosure in Wisconsin Transactions

- a. Seller disclosure (Wis. Stat. Ch. 709)
- b. Licensee disclosure (Wis. Stat. § 452.23)
- c. Exceptions (Wis. Stat. § 452.23, Wis. Stat. § 452.24)

Elective Topics

1. Short Sales and Foreclosures in Wisconsin

- a. Listing short sale properties (Wis. Stat. § 452.133, Wis. Admin. Code Ch. REEB 16)
- b. Lender approval and addenda (Wis. Stat. § 452.133, Wis. Admin. Code Ch. REEB 16)
- c. Foreclosures (Wis. Stat. Ch. 846, Wis. Stat. § 452.133)

2. Changing a Property's Use in Wisconsin

- a. Proposed use contingencies (relevant WB offer to purchase, e.g., lines 244-281 of the WB-13 Vacant Land Offer to Purchase)
- b. Government programs (relevant WB offer to purchase, e.g., lines 182-243 of the WB-13 Vacant Land Offer to Purchase)
- c. Waterfront property considerations (Wis. Admin. Code § NR 115)

3. Other Wisconsin Approved Forms

- a. WB-44 Counter-Offer
- b. WB-46 Multiple Counter-Proposal
- c. Addenda (Wis. Admin. Code Ch. REEB 16)

4. Closing of Buyer's Property Contingency, Secondary Offer, and Bump Clause in the Wisconsin Offers to Purchase

- a. Closing of buyer's property contingency (relevant WB offer to purchase, e.g., lines 328-334 of the WB-11 Residential Offer to Purchase)
- b. Bump clause (relevant WB offer to purchase, e.g., lines 335-347 of the WB-11 Residential Offer to Purchase)
- c. Secondary offer (relevant WB offer to purchase, e.g., lines 348-354 of the WB-11 Residential Offer to Purchase)

5. Drafting Contracts in Wisconsin Real Estate Transactions

- a. Contingency drafting 101 (relevant WB offer to purchase, e.g., 543-551 of the WB-11 Residential Offer to Purchase, line 573 of the WB-11 Residential Offer to Purchase)
- b. Personal property and real property (relevant WB offer to purchase, e.g., lines 11-38 of the WB-11 Residential Offer to Purchase, WB-25 Bill of Sale)
- c. Dates and deadlines (relevant WB offer to purchase e.g., lines 432-444 of the WB-11 Residential Offer to Purchase)

6. Risk Reduction for Wisconsin Licensees

- a. As-is sales (Wis. Stat. § 452.133, Wis. Admin. Code § REEB 24. 07)
- b. Disclosure of compensation and interest (Wis. Admin. Code § 24.05)
- c. Waiving or not including contingencies in contracts (Wis. Stat. § 452.133)

Other electives may be submitted for approval to the DSPS. Electives must be Wisconsin specific and must include instruction on Wisconsin forms, Wisconsin law, Wisconsin administrative code or a combination of these topics.

Routine sales meetings held by a Wisconsin firm or other routine instruction such as marketing strategies, how to use office software for completing forms, manage contacts, or using a multiple listing service shall not qualify for elective credit.

*Includes NAR Code of Ethics training.

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