

**REAL ESTATE EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 2, 2017**

**PRESENT:** Kitty Jedwabny (*via GoToMeeting*), Richard Marino, Brian McGrath, Randal Savaglio, Robert Webster (*via GoToMeeting*)

**EXCUSED:** Dennis Pierce

**STAFF:** Brittany Lewin, Executive Director; Laura Smith, Bureau Assistant; and Other Department Staff

**CALL TO ORDER**

Randal Savaglio, Vice Chairperson, called the meeting to order at 10:02 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *REMOVE: D. Presentation on Petition for Summary Suspension and Designation of Hearing Official – 1. Ralph H. Bauch (Open Session)*
- *ADD: E.1.a. REEB 11-24, Relating to Real Estate Practice (Open Session)*
- *ADD: I.2.c. 16 REB 109 – Ralph H. Bauch (Closed Session)*
- *ADD: I.4. Monitoring Matter(s) – a. Keith Garot – Requesting Full Licensure (Closed Session)*
- *REMOVE: J. Deliberation on Petitions for Summary Suspension and Designation of Hearing Official – 1. 16 REB 109 Ralph H. Bauch (Closed Session)*

**MOTION:** Brian McGrath moved, seconded by Richard Marino, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF THE MINUTES OF DECEMBER 1, 2016**

**MOTION:** Brian McGrath moved, seconded by Robert Webster, to approve the minutes of December 1, 2016 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers:**

***Board Chair***

**NOMINATION:** Brian McGrath nominated Randal Savaglio for the Office of Board Chair.

Brittany Lewin called for nominations three (3) times.

Randal Savaglio was elected as Chair by unanimous consent.

***Vice Chair***

**NOMINATION:** Brian McGrath nominated Robert Webster for the Office of Vice Chair.

Brittany Lewin called for nominations three (3) times.

Robert Webster was elected as Vice Chair by unanimous consent.

*Secretary*

**NOMINATION:** Brian McGrath nominated Kitty Jedwabny for the Office of Secretary.

Brittany Lewin called for nominations three (3) times.

Kitty Jedwabny was elected as Secretary by unanimous consent.

<b>2017 ELECTION RESULTS</b>	
<b>Chair</b>	Randal Savaglio
<b>Vice Chair</b>	Robert Webster
<b>Secretary</b>	Kitty Jedwabny

**Appointment of Liaisons and Delegated Authorities**

<b>2017 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison</b>	Robert Webster <i>Alternate: Randal Savaglio</i>
<b>Monitoring Liaison</b>	Brian McGrath
<b>Professional Assistance Procedure (PAP) Liaison</b>	Brian McGrath
<b>Office of Education and Examinations Liaison</b>	Randal Savaglio
<b>Screening Panel Team 1</b>	Dennis Pierce and Robert Webster
<b>Screening Panel Team 2</b>	Richard Marino and Kitty Jedwabny
<b>Screening Panel Team 3</b>	Randal Savaglio and Brian McGrath

<b>2017 COMMITTEE MEMBER APPOINTMENTS</b>	
<b>Real Estate Rules Committee</b>	Randal Savaglio, Kitty

	Jedwabny
<b>Real Estate Contractual Forms Advisory Committee</b>	Richard Marino (Chair), Robert Webster
<b>Council on Real Estate Curriculum and Examination Chair</b>	Kitty Jedwabny

**MOTION:** Brian McGrath moved, seconded by Robert Webster, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

### Delegation of Authority

#### *Delegated Authority for Urgent Matters*

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

#### *Delegated Authority for Application Denial Reviews*

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

#### *Document Signature Delegation*

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

#### *Credentialing Authority Delegations*

**MOTION:** Brian McGrath moved, seconded by Robert Webster, to delegate authority to the Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

- MOTION:** Brian McGrath moved, seconded by Robert Webster, to delegate authority to the Credentialing Liaison to review and make the final decision regarding predetermination conviction review requests. Motion carried unanimously.
- MOTION:** Brian McGrath moved, seconded by Robert Webster, to delegate authority to the DSPS attorneys and paralegals to review and approve applications with up to two OWIs, each 5 or more years old. Motion carried unanimously.
- MOTION:** Brian McGrath moved, seconded by Robert Webster, to delegate authority to the DSPS attorneys and paralegals to review and approve applications with ordinance violations which are not substantially-related to the practice of real estate, including but not limited to:
- 1) Littering
  - 2) Loitering
  - 3) Up to two (2) Underage Drinking offenses
  - 4) Resisting/Obstructing an Officer
  - 5) Public Urination
  - 6) Disorderly Conduct
  - 7) Trespassing
  - 8) Disturbing the Peace
  - 9) Operating after Suspension/Revocation
- Motion carried unanimously.
- MOTION:** Brian McGrath moved, seconded by Robert Webster, to delegate authority to the DSPS attorneys and paralegals to review and approve Real Estate Broker applications which have previously been approved for a full Real Estate Salesperson credential after a criminal background check, and there has been no criminal activity since the previous license approval. Motion carried unanimously.
- MOTION:** Brian McGrath moved, seconded by Robert Webster, to delegate authority to the DSPS attorneys to review and make legal determinations for applications involving a felony conviction, pursuant to Wis. Stat. §452.25. Motion carried unanimously.

### *Monitoring Delegation*

- MOTION:** Brian McGrath moved, seconded by Richard Marino, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor’ document as presented at the February 2, 2017 meeting. Motion carried unanimously.

## **LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

### **Update on Legislation and Pending or Possible Rulemaking Projects**

#### *REEB 11-24, Relating to Real Estate Practice*

- MOTION:** Richard Marino moved, seconded by Brian McGrath, to authorize the Chair to send a letter to the Joint Committee for the Review of Administrative Rules

(JCRAR), regarding the waiver of jurisdiction on Clearinghouse Rule 16-042. Motion carried unanimously.

**MOTION:** Brian McGrath moved, seconded by Robert Webster, to approve the Scope Statement, if necessary, for emergency rules amending REEB 11-24 relating to Real Estate Practice for submission to the Governor's Office and publication, to authorize the Chair to approve the scope for implementation no less than 10 days after publication. The Board authorizes the Chair to approve the emergency rule draft of REEB 11-24 for submission to the Governor's Office and publication in the official newspaper. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Richard Marino moved, seconded by Robert Webster, 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.). The Chair read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kitty Jedwabny-yes; Richard Marino-yes; Brian McGrath-yes; Randal Savaglio-yes; Robert Webster-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:25 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Richard Marino moved, seconded by Brian McGrath, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:46 a.m.

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

**MOTION:** Richard Marino moved, seconded by Robert Webster, 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.)*

### **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Administrative Warning(s)**

**MOTION:** Brian McGrath moved, seconded by Richard Marino, to issue Administrative Warnings in the matter of:

1. 15 REB 039 – J.S.S.
2. 15 REB 126 – C.J.K. and S.S.R., Inc.
3. 16 REB 081 – L.H.

Motion carried unanimously.

### **Proposed Stipulations, Final Decisions and Orders**

**MOTION:** Robert Webster moved, seconded by Brian McGrath, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 REB 086 – B-H Group, Inc.
2. 15 REB 100 – Jonathon A. Newby

Motion carried unanimously.

### ***16 REB 109 – Ralph H. Bauch***

**MOTION:** Richard Marino moved, seconded by Brian McGrath, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against 16 REB 109 – Ralph H. Bauch. Motion carried unanimously.

### **Case Closings**

**MOTION:** Brian McGrath moved, seconded by Richard Marino, to close the following cases for the reasons outlined below:

1. 14 REB 108 – L.R., LLC – Prosecutorial Discretion (P7)
2. 15 REB 039 – F.W.G., Inc. and J.I., Jr. – No Violation
3. 15 REB 086 – E.A.B. and L.N.C. – Prosecutorial Discretion (P3)
4. 15 REB 123 – P.S., L.S., and A.R.P., LLC – Insufficient Evidence
5. 15 REB 135 – R.W. and R.H.S.S. – No Violation
6. 16 REB 081 – P.M.A. and P.C.M., Inc. – No Violation

Motion carried unanimously.

### **MONITORING MATTERS**

### **Keith Garot: Requesting Full Licensure**

**MOTION:** Kitty Jedwabny moved, seconded by Robert Webster, to grant the request of Keith Garot for full licensure. Motion carried.

### **ADJOURNMENT**

**MOTION:** Brian McGrath moved, seconded by Richard Marino, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:13 a.m.