



REAL ESTATE EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Erin Karow (608) 266-2112
August 17, 2017

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 (1-3)**
- B. Approval of the Minutes (4-6)**
 - 1. June 15, 2017
- C. Administrative Matters**
 - 1. Board and Staff Updates
 - 2. Board Member Recognition and Introductions
 - 3. Election of Officers
 - 4. Liaison Appointments and Delegated Authorities
- D. Legislative and Administrative Rule Matters (7-9)**
 - 1. Amend REEB 25 Scope to Include REEB 16.03 Relating to Use of Forms
 - 2. Update on Legislation and Pending or Possible Rulemaking Projects
- E. Real Estate Contractual Forms Advisory Council Update**
- F. Discussion and Consideration of Items Received After Preparation of the Agenda:**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Board Officers
 - 3. Appointment of Board Liaison(s)
 - 4. Administrative Updates
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislation/Administrative Rule Matters
 - 9. Liaison Report(s)
 - 10. Informational Items
 - 11. Disciplinary Matters
 - 12. Presentation on Petition(s) for Summary Suspension(s)
 - 13. Presentation on Designation(s) of Hearing Official

14. Requests for Disciplinary Proceeding Presentations
15. Motions
16. Petitions
17. Appearances from Requests Received or Renewed
18. Speaking Engagement(s), Travel, or Public Relation Request(s)

G. 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.).

H. **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

1. **Administrative Warning(s) (10-11)**
 - a. 17 REB 011 – J.L.G.
2. **Proposed Stipulation(s), Final Decision(s), and Order(s) (12-17)**
 - a. 16 REB 011 – K.E.G.
3. **Case Closing(s) (18-24)**
 - a. 16 REB 024 – K.A.W.

I. Deliberation of Items Received After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. Disciplinary Matters
4. Professional Assistance Procedure (PAP)
5. Monitoring Matters
6. Petitions for Summary Suspension(s)
7. Proposed Stipulation(s), Final Decision(s) and Order(s)
8. Administrative Warning(s)
9. Review of Administrative Warning(s)
10. Proposed Final Decisions and Orders
11. Orders Fixing Costs/Matters Related to Costs
12. Case Closings

J. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

L. Open Session Items Noticed Above not Completed in the Initial Open Session

ADJOURNMENT

The Next Scheduled Meeting is October 19, 2017.

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 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
JUNE 15, 2017**

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

EXCUSED: Kitty Jedwabny

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

CALL TO ORDER

Randal Savaglio, Chairperson, called the meeting to order at 10:00 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF THE MINUTES OF APRIL 20, 2017

MOTION: Dennis Pierce moved, seconded by Richard Marino, to approve the minutes of April 20, 2017 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Scope To Amend REEB 25 Relating to Obsolete 17.08 Cross References

MOTION: Robert Webster moved, seconded by Richard Marino, to approve the Scope Statement on Amending REEB 25 relating to Obsolete 17.08 Cross References for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL UPDATE

WB-36 Buyer Agency/Tenant Representation Agreement, WB-47 Amendment to Buyer Agency/Tenant Representation Agreement, and Commercial Buyer Agency/Tenant Representative Agreement

MOTION: Richard Marino moved, seconded by Dennis Pierce, to approve the WB-36 Buyer Agency/Tenant Representation Agreement, WB-47 Amendment to Buyer Agency/Tenant Representation Agreement, and WB-38 Commercial Buyer Agency/Tenant Representative Agreement forms as recommended and presented at today's meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Richard Marino moved, seconded by Dennis Pierce, 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: Richard Marino-yes; Brian McGrath-yes; Dennis Pierce-yes; Randal Savaglio-yes; Robert Webster-yes. Motion carried unanimously.

The meeting convened into Closed Session at 10:13 a.m.

RECONVENE TO OPEN SESSION

MOTION: Richard Marino moved, seconded by Dennis Pierce, to reconvene into open session. Motion carried unanimously.

The meeting reconvened into Open Session at 10:17 a.m.

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

MOTION: Robert Webster moved, seconded by Richard Marino, to affirm all votes made 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: Richard Marino moved, seconded by Robert Webster, to issue an Administrative Warning in the matter of DLSC case number 15 REB 136 regarding D.R.K., and W.W. P., LLC. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

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

1. 15 REB 132 – Theresa Anthony
2. 15 REB 136 – Daniel H. Chin
3. 17 REB 007 – Amber M. Castonguay

Motion carried unanimously.

Case Closings

MOTION: Dennis Pierce moved, seconded by Robert Webster, to close the following cases for the reasons outlined below:

1. 15 REB 132 – C.G. and F.C.R.I., LLC. – No Violation
2. 16 REB 001 – S.N., – P3 (Prosecutorial Discretion), and J.F., J.S.R.&M., LLC. – No Violation
3. 16 REB 061 – V.S. – No Violation
4. 16 REB 104 – A.P.M., LLC, and T.G. – P2 (Prosecutorial Discretion), and T.B. – L2 (Lack of Jurisdiction)
5. 17 REB 007 – R.E.I.W., LLC and L.B.– No Violation

Motion carried unanimously.

ADJOURNMENT

MOTION: Dennis Pierce moved, seconded by Robert Webster, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:18 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 4 August 2017 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 17 August 2017	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Amend REEB 25 Scope to Include REEB 16.03 Relating to Use of Forms 2. Update on Legislation and Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>4 August 2017</i>	
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.			

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 25.023, 25.028 and 16.03(1)

Relating to: Obsolete cross-references in real estate broker education and update terminology

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective to the proposed rule is to remove cross-references to REEB 17.08 which was repealed in CR 16-042 and correct an inconsistency relating to useage of forms created by CR 16-042.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

This rule will not create new policy. It is repealing obsolete cross-references. In addition in the CR 16-042, s. REEB 16.03 (1) was amended to refer to forms for use for licensees (i.e brokers and salespersons) which created an inconsistency with forms which can only be used by salespersons. This rule will amend the word "licensees" to "brokers". Prior to CR 16-042, the usage of forms was divided by forms which can be used by brokers and forms which can be used by salespersons and this rule returns clarity to the usage of forms.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08 (5) (b), Stats. 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 trade or profession.

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

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

40 hours

6. List with description of all entities that may be affected by the proposed rule:

Real estate education programs and real estate students

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None. It will not have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Department Head or Authorized Signature

Date Submitted