

REAL ESTATE EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Erin Karow (608) 266-2112
February 1, 2018

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 (4-7)**
 - 1. December 11, 2017
- C. Administrative Matters – Discussion and Consideration (8-14)**
 - 1. Staff Updates
 - 2. Department Updates
 - 3. Election of Officers
 - 4. Appointment of Liaisons and Alternates
 - 5. Delegation of Authorities
- D. 10:00 A.M. Public Hearing on Clearinghouse Rule 17-100 Relating to Obsolete Cross-References In Real Estate Broker Education and Update Terminology (15-26)**
 - 1. Review and Respond to Public Comments and Clearinghouse Report
- E. Legislative and Administrative Rule Matters – Discussion and Consideration**
 - 1. Update on Legislation and Pending or Possible Rulemaking Projects
- F. Real Estate Contractual Forms Advisory Council Update – Discussion and Consideration (27-31)**
 - 1. Review and Consider Approval of Revised Real Estate Forms
 - a. WB 28 – Cooperative Agreement
 - b. WB-XX – Commercial Cooperative Agreement
- G. Items Received After Preparation of the Agenda – Discussion and Consideration**
 - 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. Presentation on Petition(s) for Summary Suspension(s)
12. Presentation on Designation(s) of Hearing Official
13. Requests for Disciplinary Proceeding Presentations
14. Motions
15. Petitions
16. Appearances from Requests Received or Renewed
17. Speaking Engagement(s), Travel, or Public Relation Request(s)

H. 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.).

I. Deliberation on Credentialing Matters

1. Lynette Haman, Application for Renewal of Real Estate Broker License – Conviction Review **(32-87)**
2. Christopher Meisel, Application for Real Estate Salesperson License – Discipline Review **(88-130)**

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

- 3. Administrative Warning(s)**
 - a. 15 REB 121 – C.L.S. **(131-132)**
 - b. 15 REB 121 – T.B. **(133-134)**
 - c. 17 REB 025 – J.J.O., O.R., LLC **(135-136)**
 - d. 17 REB 042 – T.J.W. **(137-138)**
 - e. 17 REB 053 – L.A.M., H.R.C., LLC **(139-140)**
- 4. Proposed Stipulations, Finals Decisions and Orders**
 - a. 16 REB 050 – C.W.B. **(141-147)**
 - b. 16 REB 086 – J.M.C. **(148-153)**
 - c. 16 REB 086 – G.D.M., M.C.J.I. **(154-160)**
 - d. 16 REB 099 – C.A.G. **(161-166)**
 - e. 17 REB 0014 – R.A.B., F.U.R.I. **(167-172)**
- 5. Case Closing(s)**
 - a. 17 REB 073 – R.J., B.R.I. **(173-176)**
 - b. 17 REB 093 – C.K. **(177-182)**
- 6. Monitoring**
 - a. Christine Kosnick – Requesting Termination of Suspension **(183-200)**

K. Deliberation on Proposed Final Decision and Order in the Matter of Disciplinary Proceedings Against Tiffany L. Harden, Respondent, DHA Case No. SPS-17-0012, DLSC Case No. 16 REB 026 (201-210)

L. Deliberation of Items Received After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. DLSC 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

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING DATE: APRIL 19, 2018

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
DECEMBER 11, 2017**

PRESENT: Robert Larson, Jerry Lyons, Dennis Pierce, Thomas Richie, Robert Webster

EXCUSED: Richard Marino

STAFF: Erin Karow, Executive Director; Emily Handel, Bureau Assistant; and other Department Staff

CALL TO ORDER

Robert Webster, Chairperson, called the meeting to order at 10:04 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

MOTION: Jerry Lyons moved, seconded by Dennis Pierce, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF THE MINUTES OF NOVEMBER 6, 2017

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to approve the minutes of November 6, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers:

DECEMBER 2017 ELECTION RESULTS	
Chair	Robert Webster
Vice Chair	Richard Marino
Secretary	Postponed to 2/1/18 meeting

Liaison Delegations and Appointments

DECEMBER 2017 LIAISON APPOINTMENTS	
Credentialing Liaison	Robert Webster <i>Alternate: Thomas Richie</i>
Monitoring Liaison	Jerry Lyons <i>Alternate: Thomas Richie</i>
Professional Assistance Procedure (PAP) Liaison	Robert Webster <i>Alternate: Richard Marino</i>

Office of Education and Examinations Liaison	Richard Marino
Screening Panel Team 1	Dennis Pierce and Robert Webster
Screening Panel Team 2	Richard Marino and Jerry Lyons
Screening Panel Team 3	Thomas Richie and Robert Larson

2017 COMMITTEE MEMBER APPOINTMENTS	
Real Estate Rules Committee	Jerry Lyons
Real Estate Contractual Forms Advisory Committee	Richard Marino (Chair), Robert Webster
Council on Real Estate Curriculum and Examinations	Robert Larson

MOTION: Thomas Richie moved, seconded by Jerry Lyons, to postpone the election for Board Secretary to the first board meeting of 2018. Motion carried unanimously.

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to acknowledge the appointment of Robert Larson to screening panel 3. Motion carried unanimously.

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to acknowledge the appointment of Robert Larson to the Council on Real Estate Curriculum and Examinations. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

REEB 16 and 25 Relating to Obsolete Cross-References and Update Terminology

MOTION: Robert Webster moved, seconded by Thomas Richie, to approve the preliminary rule draft of REEB 16 and 25, relating to obsolete cross-references and update terminology, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Robert Webster moved, seconded by Thomas Richie, 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: Robert Larson-yes; Jerry Lyons-yes; Dennis Pierce-yes; Thomas Richie-yes; Robert Webster-yes. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The meeting reconvened into Open Session at 12:12 p.m.

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

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to affirm all votes made in Closed Session. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warning(s)

17 REB 059 – M.J.M.

MOTION: Robert Webster moved, seconded by Thomas Richie, to issue an Administrative Warning in the matter of DLSC case number 17 REB 059. Motion carried unanimously.

Case Closings

16 REB 014 & 16 REB 015 – D.H.G.

MOTION: Dennis Pierce moved, seconded by Robert Webster, to close DLSC case number 16 REB 014 & 16 REB 015 for Insufficient Evidence. Motion carried unanimously.

16 REB 021 – M.S.

MOTION: Jerry Lyons moved, seconded by Robert Larson, to close DLSC case number 16 REB 021 for Insufficient Evidence. Motion carried unanimously.

16 REB 025 – C.P.

MOTION: Thomas Richie moved, seconded by Jerry Lyons, to close DLSC case number 16 REB 025 for Insufficient Evidence. Motion carried unanimously.

16 REB 060 – S.K., W.K., A.C.S., LLC

MOTION: Robert Larson moved, seconded by Thomas Richie, to close DLSC case number 16 REB 060 for Prosecutorial Discretion (P1) against S.K., and for No Violation against W.K. and A.C.S., LLC. Motion carried unanimously.

16 REB 070 – D.J.

MOTION: Jerry Lyons moved, seconded by Robert Larson, to close DLSC case number 16 REB 070 for Prosecutorial Discretion (P7). Motion carried unanimously.

16 REB 105 – B.E.D.

MOTION: Robert Webster moved, seconded by Thomas Richie, to close DLSC case number 16 REB 105 for No Violation. Motion carried unanimously.

17 REB 008 – S.P.H.

MOTION: Dennis Pierce moved, seconded by Robert Larson, to close DLSC case number 17 REB 008 for No Violation. Motion carried unanimously.

17 REB 009 – T.G.L., T.R.G., LLC

MOTION: Robert Webster moved, seconded by Jerry Lyons, to close DLSC case number 17 REB 009 for Prosecutorial Discretion (P2). Motion carried unanimously.

DELIBERATION ON ORDER FIXING COSTS

Julia Luna, Respondent (DHA Case Number SPS-16-0020, DLSC Case Number 14 REB 108)

MOTION: Thomas Richie moved, seconded by Robert Larson, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against, Julia Luna, Respondent, DHA Case Number SPS-16-0020, DLSC Case Number 14 REB 108. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 12:16 p.m.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant on behalf of Erin Karow, Executive Director		2) Date When Request Submitted: 11/22/2017 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: 2/1/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) 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 required: N/A	
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
11) Authorization			
<i>Laura Smith</i>		11/22/2017	
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.			

Real Estate Examining Board

August 2017 Elections and Liaisons, with December 2017 Updates

2017 ELECTION RESULTS	
Chair	Robert Webster
Vice Chair	Richard Marino
Secretary	Kitty Jedwabny

AUGUST, 2017 LIAISON APPOINTMENTS	
Credentialing Liaison	Robert Webster <i>Alternate: Thomas Richie</i>
Monitoring Liaison	Jerry Lyons <i>Alternate: Thomas Richie</i>
Professional Assistance Procedure (PAP) Liaison	Robert Webster <i>Alternate: Richard Marino</i>
Office of Education and Examinations Liaison	Richard Marino <i>Alternate: Kitty Jedwabny</i>
Screening Panel Team 1	Dennis Pierce and Robert Webster
Screening Panel Team 2	Richard Marino and Jerry Lyons
Screening Panel Team 3	Robert Larson and Thomas Richie

2017 COMMITTEE MEMBER APPOINTMENTS	
Real Estate Rules Committee	Jerry Lyons, Kitty Jedwabny
Real Estate Contractual Forms Advisory Committee	Richard Marino (Chair), Robert Webster
Council on Real Estate Curriculum and Examination Chair	Robert Larson

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

DELEGATED AUTHORITIES FROM FEBRUARY 2017

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.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 18, 2017	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: February 1, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authority Motion	
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 checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; text-align: center;"> </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> December 18, 2017 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black;"> Signature of person making this request </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black;"> Supervisor (if required) </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> Date </div> </div>			
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.			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

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

Current 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/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 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 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 the signature or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. (*Except Pharmacy*) 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.
10. (*Except Pharmacy*) 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.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. Year 3: 28 screens plus 1 hair test
 - d. Year 4: 28 screens plus 1 hair test
 - e. Year 5: 14 screens plus 1 hair test
11. (*Dentistry only*) – Ability to approve or deny all requests from a respondent.

Current 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 CE 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 CE 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 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.
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Proposed (New) Delegations to the Monitoring Liaison

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 22 January 2018 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: 1 February 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing on Clearinghouse Rule 17-100 relating to obsolete cross-references in real estate broker education and update terminology. Review and respond to Clearinghouse Report and Public Hearing comments	
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: Hold Public Hearing at 10:00 a.m. Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.			
11) Authorization <div style="font-size: 1.5em; font-family: cursive; margin: 10px 0;"><i>Sharon Henes</i></div> <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> 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.			

Clearinghouse Rule 17-100

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

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

PROPOSED ORDER

An order of the Real Estate Examining Board to repeal REEB 25.023 (4) (a) 3. and 25.028 (1) (g) 1., 2., 3.; to renumber and amend REEB 25.028 (1) (g) (intro.); and to amend REEB 16.03 (1), 25.033 (14) (b) and 25.038 (5) (b) relating to obsolete cross references in real estate broker education and update real estate terminology.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 452.09 (2), 452.132 and 452.40, Stats.

Statutory authority: ss. 15.08 (5) (b), 452.05 (1) (c) 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 trade or profession.

The board shall after consultation with the council on real estate curriculum and examinations, promulgate rules establishing criteria for the approval of educational programs and training sessions under s. 452.09 (2) and approve such programs and sessions in accordance with the established criteria.

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

Related statute or rule: n/a

Plain language analysis:

This rule does not create new policy.

Section 1 corrects an inconsistency. In CR 16-042, s. REEB 16.03 (1) was amended to refer to forms for use for licensees, which would include both brokers and salespersons. This change created an inconsistency by creating a section which allowed salespersons to utilize all forms and a section allowing salespersons to utilize specific forms. This rule changes “licensees” to “brokers” restoring the rule to the Board’s intent and the practice in place prior to CR 16-042.

Section 2 repeals the requirement that there be education on the policy manual required by REEB 17.08. REEB 17.08 was repealed by CR 16-042. This rule repeals the obsolete cross-reference.

Sections 3 and 4 makes revisions to remove the introductory paragraph language and repeals the subdivisions. The requirement requires education on licensure and supervision of employees under REEB 17. These changes are a result of obsolete cross-references due to CR 16-042.

Sections 5 and 6 update terminology from “broker” to “firm” consistent with 2015 Act 258.

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

Comparison with rules in adjacent states:

Illinois: Illinois does not have administrative rules regarding use of approved forms and does not use terminology relating to firm.

Iowa: Iowa does not have administrative rules regarding use of approved forms and does not use terminology relating to firm.

Michigan: Michigan does not have administrative rules regarding use of approved forms and does not use terminology relating to firm.

Minnesota: Minnesota does not have administrative rules regarding use of approved forms and does not use terminology relating to firm.

Summary of factual data and analytical methodologies:

The Board received information from the Legislative Reference Bureau regarding obsolete cross-references and stakeholders regarding the terminology updates.

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis 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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on February 1, 2018 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. REEB 16.03 (1) is amended to read:

REEB 16.03 (1) In addition to forms prepared and approved by the board pursuant to s. 452.05 (1) (b), Stats., the board approves the following forms for use by ~~licensees~~ brokers:

SECTION 2. REEB 25.023 (4) (a) 3. is repealed.

SECTION 3. REEB 25.028 (1) (g) (intro.) is renumbered REEB 25.028 (1) (g) and is amended to read:

REEB (1) (g) Licensure and supervision of employees under ch. REEB 17, ~~including all of the following:~~

SECTION 4. REEB 25.028 (1) (g) 1., 2. and 3. are repealed.

SECTION 5. REEB 25.033 (14) (b) is amended to read:

REEB 25.033 (14) (b) Inquiry by listing ~~broker~~ firm under s. REEB 24.07 (1) (b).

SECTION 6. REEB 25.038 (5) (b) is amended to read:

REEB 25.038 (5) (b) Inquiry by listing ~~broker~~ firm under s. REEB 24.07 (1) (b).

SECTION 7. 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)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) REEB 16 and 25	
4. Subject Obsolete cross references in real estate broker education and update real estate terminology.	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule This rule removes obsolete references created by repeal of REEB 17.08 and updates terminology to be consistent with 2015 Act 258.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. This rule was posted for economic comments and none were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have an economic or fiscal impact.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is removing confusion related to obsolete cross references and creates terminology consistency throughout the rules and statutes.	
16. Long Range Implications of Implementing the Rule The long range implication is consistent rules which conform with statutes.	
17. Compare With Approaches Being Used by Federal Government None	
18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Our surrounding states do not have administrative rules regarding approved forms and do not use terminology relating to firm.	
19. Contact Name	20. Contact Phone Number

This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **17-100**

AN ORDER to repeal REEB 25.023 (4) (a) 3. and 25.028 (1) (g) 1., 2., and 3.; to renumber and amend REEB 25.028 (1) (g) (intro.); and to amend REEB 16.03 (1), 25.033 (14) (b), and 25.038 (5) (b), relating to obsolete cross-references in real estate broker education and update real estate terminology.

Submitted by **REAL ESTATE EXAMINING BOARD**

12-28-2017 RECEIVED BY LEGISLATIVE COUNCIL.
01-25-2018 REPORT SENT TO AGENCY.

MSK:RES

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-100

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the enumeration of provisions treated by the proposed rule, the following changes should be made:

(1) Insert “(intro.)” after “REEB 16.03 (1)”. [s. 1.03 (3), Manual.]

(2) Insert a comma between “25.038 (5) (b)” and “relating to obsolete cross references in real estate broker education”. [s. 1.02 (1) (Example), Manual.]

b. In the enumeration of provisions treated by the proposed rule, and in the corresponding treatment clause in SECTION 4 of the proposed rule, the board could revise the listing of consecutively affected sections to be an inclusive series. Specifically, “25.028 (1) (g) 1., 2., 3.” could be rewritten as “25.028 (1) (g) 1. to 3.”. [ss. 1.01 (9) (d) and 1.07 (2) (Table), Manual.]

c. In the second paragraph of the explanation of agency authority, “, Stats.,” should be inserted after “s. 452.09 (2)”. [s. 1.07 (2) (Table), Manual.]

d. An entry should be inserted after the heading in the rule summary for the analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis.

e. In the treatment clause for SECTION 1 of the proposed rule, insert “(intro.)” after “REEB 16.03 (1)”. [s. 1.03 (3), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the relating clause of the enumeration of provisions treated by the proposed rule, the word “update” should be revised so that it reads as a coherent phrase when preceded by “relating to”. One option would be to replace “update” with “updating”.

b. In the second paragraph of the plain language analysis, the second use of “for” between “use” and “licensees” should be replaced with “by” for clarity.

c. The board should consider revising the fourth paragraph of the plain language analysis for clarity. One option for revision would be to simply state that SECTIONS 3 and 4 of the proposed rule eliminate obsolete cross-references to s. REEB 17.08, which was repealed under CR 16-042, and repeal the related introductory language. [s. 1.02 (2) (b), Manual.]

d. Under SECTION 3 of the proposed rule, the board amends the language of s. REEB 25.028 (1) (g) in response to changes made to ch. REEB 17 by CHR 16-042, but retains language that describes ch. REEB 17 as relating to the licensure and supervision of employees. “Licensure and Supervision of Employees” was the title for ch. REEB 17 before it was changed to “Licensees Associated with a Firm” under CHR 16-042. The board should consider whether it should further modify s. REEB 25.028 (1) (g) to reflect the change made to the title of ch. REEB 17.

WB-28 COOPERATIVE AGREEMENT

For cooperation with out-of-state brokers involved in purchase/lease of Wisconsin property listings

1 This agreement is made this _____ day of _____, 20_____,
2 between _____,
3 a Wisconsin licensed real estate broker (Wisconsin Firm) and _____
4 _____, a licensed real estate broker from the state of
5 _____ (Cooperating Firm), pursuant to Wis. Stat. § 452.137, regarding cooperation
6 with respect to the following property listed by the Wisconsin Firm: _____
7 _____ [Street Address] in the _____ of
8 _____, County of _____, Wisconsin (insert
9 additional description, if any, in additional provisions at lines 75-92 or attach an addendum per line 74) (Property).

10 **NOTE: Each cooperative agreement may cover only one listing contract of the Wisconsin Firm.**

11 **COOPERATING FIRM IDENTIFICATION**

12 Name of Cooperating Firm or Sole Proprietor: _____
13 Address: _____
14 License Number: _____
15 Federal Tax ID Number: _____
16 Name of Supervising Broker: _____
17 State and License Number: _____
18 Authorized Agents may act as a salesperson in this state only if Cooperating Firm with whom they are affiliated satisfies
19 all requirements of this Agreement and Wis. Stat. § 452.137(2), and Authorized Agents work under the direct
20 supervision of Cooperating Firm and represent only Cooperating Firm in the transaction.
21 Name(s) of Authorized Agents, if any, of Cooperating Firm:
22 Name: _____ State and License Number: _____
23 Name: _____ State and License Number: _____

24 **EVIDENCE OF GOOD STANDING** Cooperating Firm and any Authorized Agents have provided Wisconsin Firm with
25 evidence, including but not limited to copies of valid license(s) in good standing, and are regularly and lawfully engaged
26 in real estate practice in their state of licensure (evidence might include a link to current online records, contact
27 information for the state licensing agency, etc.).

28 **TERMS OF COOPERATION** Cooperating Firm, and any Authorized Agents permitted by this Agreement agree(s) to
29 participate in the transaction only in the following manner:

- 30 Conduct showings in accordance with showing instructions provided by Wisconsin Firm.
- 31 Negotiate only through Wisconsin Firm.
- 32 Participate in this transaction only after a seller provided confidentiality agreement is signed.
- 33 Write offers, leases and other proposals.
- 34 Use Wisconsin-approved forms and addenda provided by Wisconsin Firm.
- 35 Cooperating Firm represents that it shall maintain Errors and Omissions Insurance in a dollar amount adequate
36 for the contemplated Wisconsin transaction throughout any transactions relative to this Agreement and the
37 Property.

38 Additional limitations/qualifications: _____
39 _____
40 _____
41 _____
42 _____

43 **COMPENSATION** The Cooperating Firm's compensation shall be _____
44 _____
45 _____
46 _____

47 **NOTE: No person may pay Cooperating Firm a commission, money, or other thing of value for brokerage**
48 **services except pursuant to this Agreement. For a Wisconsin Firm to legally compensate Cooperating Firm**
49 **under this Agreement, Cooperating Firm must be licensed or regularly and lawfully engaged in the real estate**
50 **brokerage business in another state, a territory or possession of the United States or a foreign country.**

51 **TRUST ACCOUNT** All client funds, as defined in Wis. Stat. § 452.13, received by Cooperating Firm or Wisconsin Firm
52 in connection with a transaction subject to this Agreement shall be deposited in a trust account maintained by
53 Wisconsin Firm.

54 **LEGAL COMPLIANCE** By signing this Agreement, Cooperating Firm and any Authorized Agents agree to abide by,
55 and be subject to, Wisconsin law and the rules and regulations of the Wisconsin Real Estate Examining Board (REEB).
56 **Cooperating Firm agrees to file the irrevocable consent form and any other forms provided by the Wisconsin**
57 **Department of Safety and Professional Services to evidence compliance with Wis. Stat. § 452.137.**

58 **AGENCY DISCLOSURE** Wisconsin Firm may have, and Cooperating Firm does have, a responsibility to provide a
59 written agency disclosure to all buyers, under Wis. Stat. Ch. 452.

60 **DOCUMENTATION** Cooperating Firm shall maintain the originals or copies of all documents Cooperating Firm
61 receives, maintains, or generates in connection with any transaction regarding the Property for at least 3 years after the
62 date of closing or completion of the transaction, or, if no closing or completion occurs, 3 years after the date on which
63 the parties executed this Agreement. Cooperative Firm shall deposit with Wisconsin Firm, no later than the conclusion
64 of this transaction, copies of all documents Cooperating Firm is required to maintain unless the parties to this
65 Agreement agree in writing that Cooperating Firm is not required to do so.

66 **COOPERATING FIRM PROHIBITIONS** Because Cooperating Firm does not hold a Wisconsin Real Estate license,
67 Cooperating Firm may not under any circumstances enter into a listing contract concerning Wisconsin real estate or
68 businesses, or for commission, money, or other thing of value, promote or advertise in this state the sale, exchange,
69 purchase, option, rental, or leasing of real estate or a business located in this state, including by posting signs on the
70 property. Cooperating Firm and any Authorized Agents may not act under this Cooperative Agreement on behalf of a
71 firm who is not a party to this Agreement.

72 **TERM** This Agreement continues as long as Wisconsin Firm's listing for the Property, including any extensions,
73 remains in force, unless otherwise agreed in writing.

74 **ADDENDA:** The attached _____ is/are made part of this Agreement.

75 **ADDITIONAL PROVISIONS** _____

76 _____

77 _____

78 _____

79 _____

80 _____

81 _____

82 _____

83 _____

84 _____

85 _____

86 _____

87 _____

88 _____

89 _____

90 _____

91 _____

92 _____

93 The terms of this Agreement, including any addenda and additional provisions, contains the entire Agreement between
94 the Firms and shall not include terms that violate Wis. Stat. § 452.137.

95 **By signing this Agreement, Cooperating Firm agrees to and attests that Cooperating Firm and Authorized**
96 **Agent(s) is/are licensed in good standing or are otherwise authorized to act as a broker or salesperson in a**
97 **jurisdiction other than this state. This Agreement is only valid if Cooperating Firm has provided Wisconsin Firm**
98 **with evidence of licensure(s) in good standing.**

99 Wisconsin Firm Name: _____

100 (x) _____

101 Wisconsin Firm's Signature ▲ Print Name ► Date ▲

102 Cooperating Firm or Sole Proprietor Name: _____

103 (x) _____

104 Cooperating Firm's Signature ▲ Print Name ► Date ▲

WB-29 COMMERCIAL COOPERATIVE AGREEMENT

For cooperation with out-of-state brokers involved in purchase/lease of Wisconsin commercial properties

Use of this Agreement is limited to Commercial Transactions concerning any real property, other than real property containing 1 to 4 dwelling units or real property zoned for agricultural use. A commercial transaction does not include a transaction concerning a dwelling unit that is part of real property containing more than 4 dwelling units and that is being sold on a unit-by-unit basis.

1 This agreement is made this _____ day of _____, 20_____,
2 between _____,
3 a Wisconsin licensed real estate broker (Wisconsin Firm) and _____
4 _____, a licensed real estate broker from the state of
5 _____ (Cooperating Firm), pursuant to Wis. Stat. § 452.137, regarding cooperation
6 with respect to property of the following type, function, location, and approximate size, and with any stated functional or
7 geographical limitation, etc. in the State of Wisconsin: _____
8 _____
9 _____
10 _____
11 _____
12 _____

13 Insert additional description, if any, in the additional provisions at lines 84-88 or attach an addendum per line 83
14 (Property).

15 **NOTE: A separate cooperative agreement shall be entered into for each type of property based on type of**
16 **function, geographic area, approximate size or other criteria specified in the buyer’s or tenant’s search**
17 **parameters.**

COOPERATING FIRM IDENTIFICATION

19 Name of Cooperating Firm or Sole Proprietor: _____
20 Address: _____
21 License Number: _____
22 Federal Tax ID Number: _____
23 Name of Supervising Broker: _____
24 State and License Number: _____
25 Authorized Agents may act as a salesperson in this state only if Cooperating Firm with whom they are affiliated satisfies
26 all requirements of this Agreement and Wis. Stat. § 452.137(2), and Authorized Agents work under the direct
27 supervision of Cooperating Firm and represent only Cooperating Firm in the transaction.
28 Name(s) of Authorized Agent, if any, of Cooperating Firm:
29 Name: _____ State and License Number: _____
30 Name: _____ State and License Number: _____

EVIDENCE OF GOOD STANDING

Cooperating Firm and any Authorized Agents have provided Wisconsin Firm with
evidence, including but not limited to copies of valid license(s) in good standing, and are regularly and lawfully engaged
in real estate practice in their state of licensure (evidence might include a link to current online records, contact
information for the state licensing agency, etc.)

CLIENT RELATIONSHIP [LINE 36 OR 38 MUST BE CHECKED.]

- The Cooperating Firm has a client relationship with the buyer or tenant and has an agency agreement, and shall provide a copy to the Wisconsin Firm upon request.
- The Wisconsin Firm has a client relationship with the buyer or tenant and has an agency agreement.

TERMS OF COOPERATION

Per Wis. Stat. § 452.137, if a property is not listed with a listing firm the Wisconsin Firm must view or conduct showings of property with the Cooperating Firm and the Wisconsin Firm must conduct all negotiations.

Cooperating Firm, and any Authorized Agents permitted by this Agreement, may participate in the transaction only in the following manner:

- Conduct showings of listed Wisconsin property (only when Wisconsin Firm is present) (without Wisconsin Firm being present) **STRIKE ONE** (“only when Wisconsin Firm is present” if neither is stricken).
- View listed Wisconsin property (only when Wisconsin Firm is present) (without Wisconsin Firm being present) **STRIKE ONE** (“only when Wisconsin Firm is present” if neither is stricken).
- Negotiate (with a seller or owner if the Property is listed) (only through Wisconsin Firm) **STRIKE ONE** (“only through Wisconsin Firm” if neither is stricken).

- 50 Have contact with another firm, another firm's seller or landlord.
- 51 Write offers, leases and other proposals.
- 52 Use Wisconsin-approved forms and addenda provided by Wisconsin Firm.
- 53 Maintain Errors and Omissions Insurance throughout any transactions relative to the agreement. Cooperating
- 54 Firm represents Errors and Omissions insurance coverage in a dollar amount adequate for the contemplated
- 55 Wisconsin transaction will be maintained for any transactions relative to the Property.

56 Additional limitations/qualifications: _____
 57 _____
 58 _____

59 **AGENCY DISCLOSURE** The Wisconsin Firm and the Cooperating Firm may have a responsibility to provide a written
 60 agency disclosure under Wis. Stat. Ch. 452.

61 **COMPENSATION** The Cooperating Firm's compensation shall be _____
 62 _____
 63 _____.

64 **NOTE: No person may pay Cooperating Firm a commission, money, or other thing of value for brokerage**
 65 **services except pursuant to this Agreement. For a Wisconsin Firm to legally compensate Cooperating Firm**
 66 **under this Agreement, Cooperating Firm must be licensed or regularly and lawfully engaged in the real estate**
 67 **brokerage business in another state, a territory or possession of the United States or a foreign country.**

68 **TRUST ACCOUNT** All client funds, as defined in Wis. Stat. § 452.13, received by Cooperating Firm or Wisconsin Firm
 69 in connection with a transaction subject to this Agreement shall be deposited in a trust account maintained by
 70 Wisconsin Firm.

71 **LEGAL COMPLIANCE** By signing this Agreement, Cooperating Firm and any Authorized Agents agree to abide by,
 72 and be subject to, Wisconsin law and the rules and regulations of the Wisconsin Real Estate Examining Board (REEB).
 73 **Cooperating Firm agrees to file the irrevocable consent form and any other forms provided by the Wisconsin**
 74 **Department of Safety and Professional Services to evidence compliance with Wis. Stat. § 452.137.**

75 **DOCUMENTATION** Cooperating Firm shall maintain the originals or copies of all documents Cooperating Firm
 76 receives, maintains, or generates in connection with any transaction regarding the Property for at least 3 years after the
 77 date of closing or completion of the transaction, or, if no closing or completion occurs, 3 years after the date on which
 78 the parties executed this Agreement. Cooperative Firm shall deposit with Wisconsin Firm, no later than the conclusion
 79 of this transaction, copies of all documents Cooperating Firm is required to maintain unless the parties to this
 80 Agreement agree in writing that Cooperating Firm is not required to do so.

81 **TERM OF THE AGREEMENT** From the _____ day of _____, _____, up to the
 82 earlier of midnight of the _____ day of _____, _____, or the purchase or rental of Property.

83 **ADDENDA:** The attached _____ is/are made part of this Agreement.

84 **ADDITIONAL PROVISIONS** _____
 85 _____
 86 _____
 87 _____
 88 _____

89 The terms of this Agreement, including any addenda and additional provisions, contains the entire Agreement between
 90 the Firms and shall not include terms that violate Wis. Stat. § 452.137.

91 **By signing this Agreement Cooperating Firm agrees to and attests that Cooperating Firm and Authorized**
 92 **Agent(s) is/are licensed in good standing or are otherwise authorized to act as a broker or salesperson in a**
 93 **jurisdiction other than this state. This Agreement is only valid if Cooperating Firm has provided Wisconsin Firm**
 94 **with evidence of licensure(s) in good standing.**

95 Wisconsin Firm Name: _____

96 (x) _____
 97 Wisconsin Firm's Signature ▲ Print Name ► Date ▲

98 Cooperating Firm or Sole Proprietor Name: _____

99 (x) _____
 100 Cooperating Firm's Signature ▲ Print Name ► Date ▲

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