



REAL ESTATE EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Erin Karow (608) 266-2112
April 19, 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 (1-4)**
- B. Approval of the Minutes (5-13)**
 - 1. February 1, 2018
- C. Administrative Matters – Discussion and Consideration**
 - 1. Staff Updates
 - 2. Department Updates
 - 3. Election of Officers
 - 4. Appointment of Liaisons and Alternates
 - 5. Delegation of Authorities
- D. Legislative/Administrative Rule Matters – Discussion and Consideration**
 - 1. REEB 24.17 (3), Relating to Violation of Board Orders **(14-15)**
 - 2. Update on Legislation and Pending or Possible Rulemaking Projects
- E. Real Estate Curriculum and Examination Council Update – Discussion and Consideration**
 - 1. 2019-2020 Proposed Suggestions for the Continuing Education (CE) Curriculum **(16-23)**
- F. Real Estate Contractual Forms Advisory Council Update – Discussion and Consideration**
 - 1. Consideration of Appointment to the Real Estate Contractual Forms Advisor Council **(24)**
- G. Items Received After Preparation of the Agenda – Discussion and Consideration**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Officers
 - 3. Appointment of Liaison(s) and Alternates
 - 4. Administrative Matters
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislative/Administrative Rule Matters

9. Liaison Report(s)
10. Informational Items
11. Division of Legal Services and Compliance (DLSC) Matters
12. Presentation on Petition(s) for Summary Suspension(s)
13. Presentation on Designation(s) of Hearing Official
14. Presentation of Stipulations, Final Decisions and Orders
15. Presentation of Stipulations and Interim Orders
16. Presentation of Proposed Final Decision and Orders
17. Presentation of Interim Orders
18. Petitions for Re-Hearing
19. Petitions for Assessments
20. Petitions to Vacate Orders
21. Requests for Disciplinary Proceeding Presentations
22. Motions
23. Petitions
24. Appearances from Requests Received or Renewed
25. 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 Division of Legal Services and Compliance (DLSC) Matters**

1. Administrative Warning(s)

- a. 16 REB 066 – S.L.S. **(25-26)**
- b. 16 REB 071 – B.J.K. **(27-29)**
- c. 17 REB 020 – A.R.B. **(30-31)**
- d. 17 REB 039 – C.M.F. **(32-33)**
- e. 17 REB 071 – D.L.K. **(34-35)**
- f. 18 REB 008 – L.A.H. **(36-37)**

2. Proposed Stipulations, Finals Decisions and Orders

- a. 16 REB 016 – J.A. Fuller and Pinnacle Realty, Inc. **(38-47)**
- b. 16 REB 030 – Virginia A. Fuchs and Ruby Slippers Holding, LLC **(48-54)**
- c. 16 REB 066 – Julie J. Quade and Quade Real Estate, LLC **(55-63)**
- d. 17 REB 015 – Mark D. Balaban **(64-70)**
- e. 17 REB 077 – Michael F. DeSautel **(71-76)**

3. Case Closing(s)

- a. 16 REB 071 – V.S. and A.R.E.G., LLC **(77-80)**
- b. 17 REB 015 – 1 A.R.E., LLC and A.M. **(81-87)**
- c. 17 REB 039 – S.R., Inc. and J.H. **(88-104)**
- d. 17 REB 048 – J.T. and A.W.P.W., LLC **(105-108)**
- e. 17 REB 071 – R.R. and A.R., Inc. **(109-118)**
- f. 17 REB 107 – A.R., LLC, P.B.S., and P.S. **(119-122)**

g. 17 REB 111 – M.K. **(123-125)**

h. 17 REB 123 – R.J. **(126-131)**

4. Monitoring

a. Christine Kosnick – Requesting Termination of Suspension

b. Cheryl Colsch – Requesting Full Licensure **(132-147)**

c. Jeffrey Conway – Requesting Full Licensure **(148-160)**

d. Eulonda Martin – Requesting Full Licensure **(161-173)**

e. Reed Rentmeester – Requesting Approval of Supervising Broker **(174-182)**

f. Roberto Rodriguez – Requesting Full Licensure **(183-186)**

g. Travis Schinke – Review of Requested Additional Information **(187-199)**

h. Ramon Sloan – Requesting Approval of Supervising Broker **(200-208)**

i. Brett Timmerman – Requesting Full Licensure **(209-219)**

J. Deliberation on Order Fixing Cost

1. Tiffany L. Harden, Respondent, DHA Case Number SPS-17-0012, DLSC Case No. 16 REB 026 **(220-228)**

K. 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) Matters
5. Monitoring Matters
6. Petitions for Summary Suspension(s)
7. Petitions for Designation of Hearing Examiner
8. Proposed Stipulation(s), Final Decision(s) and Order(s)
9. Proposed Interim Orders
10. Administrative Warning(s)
11. Review of Administrative Warning(s)
12. Proposed Final Decisions and Orders
13. Orders Fixing Costs/Matters Related to Costs
14. Board Liaison Training
15. Case Closings
16. Petitions for Assessments and Evaluations
17. Petitions to Vacate Orders
18. Remedial Education Cases
19. Motions
20. Petitions for Re-Hearing
21. Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING DATE: JUNE 14, 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
FEBRUARY 1, 2018**

PRESENT: Robert Larson, Jerry Lyons, Richard Marino, Dennis Pierce, Thomas Richie, Robert Webster (*via GoToMeeting*)

STAFF: Erin Karow, Executive Director; Laura Smith, Bureau Assistant; and Other Department Staff

CALL TO ORDER

Robert Webster, Chair, called the meeting to order at 10:09 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Correct case number in Item J(4)(e) to 17 REB 014*
- *Add under Item J(4) sub-items (f) 16 REB 079 – J.L.N. and (g) 16 REB 079 – J.L.B.*
- *Correct spelling in Item K to ‘Tiffiny L. Harden’*

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

APPROVAL OF THE MINUTES OF DECEMBER 11, 2017

MOTION: Richard Marino moved, seconded by Jerry Lyons, to approve the minutes of December 11, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers:

Board Chair

NOMINATION: Thomas Richie nominated Robert Webster for the Office of Board Chair.

Erin Karow called for nominations three (3) times.

Robert Webster was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Dennis Pierce nominated Richard Marino for the Office of Vice Chair.

Erin Karow called for nominations three (3) times.

Richard Marino was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Robert Webster nominated Thomas Richie for the Office of Secretary.

Erin Karow called for nominations three (3) times.

Thomas Richie was elected as Secretary by unanimous consent.

2018 ELECTION RESULTS	
Chair	Robert Webster
Vice Chair	Richard Marino
Secretary	Thomas Richie

Liaison Appointments

2018 LIAISON APPOINTMENTS	
Credentialing Liaison	Thomas Richie <i>Alternate: Robert Webster</i>
Office of Education and Examinations Liaison	Richard Marino <i>Alternate: Robert Larson</i>
Monitoring Liaison	Jerry Lyons <i>Alternate: Thomas Richie</i>
Professional Assistance Procedure (PAP) Liaison	Robert Webster <i>Alternate: Richard Marino</i>
Legislative Liaison	Robert Webster
2018 COMMITTEE MEMBER APPOINTMENTS	
Real Estate Rules Committee	Jerry Lyons, Robert Webster
Real Estate Contractual Forms Advisory Committee	Richard Marino (Chair), Robert Webster
Council on Real Estate Curriculum and Examination Chair	Robert Larson
2018 SCREENING PANEL	
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

MOTION: Jerry Lyons moved, seconded by Dennis Pierce, to affirm the Chair's appointment of liaisons for 2018. Motion carried unanimously.

Delegation of Authority

Delegated Authority for Urgent Matters

MOTION: Richard Marino moved, seconded by Robert Larson, 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: Jerry Lyons 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: Thomas Richie moved, seconded by Dennis Pierce, 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: Richard Marino moved, seconded by Jerry Lyons, to delegate authority to the Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

MOTION: Jerry Lyons moved, seconded by Richard Marino, to delegate authority to the Credentialing Liaison to review and make the final decision regarding predetermination conviction review requests. Motion carried unanimously.

MOTION: Dennis Pierce moved, seconded by Robert Larson, 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, that are not substantially related to the practice of real estate. Motion carried unanimously.

MOTION: Dennis Pierce moved, seconded by Robert Larson, 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
- 10) OWI 1st (anytime; ordinance violation in WI or misdemeanor in other states)

Motion carried unanimously.

MOTION: Richard Marino moved, seconded by Thomas Richie, 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: Robert Larson moved, seconded by Dennis Pierce, 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: Jerry Lyons moved, seconded by Robert Larson, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor’ document as presented at the February 1, 2018 meeting. Motion carried unanimously.

Voluntary Surrenders

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

Continuing Education Delegation or Education Delegations

MOTION: Thomas Richie moved, seconded by Robert Larson, to delegate authority to the Office of Education and Examination Liaison(s) to address all issues related to CE, education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Bodies

MOTION: Richard Marino moved, seconded by Thomas Richie, to authorize Department staff to provide national regulatory bodies with all Board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Richard Marino moved, seconded by Jerry Lyons to designate the highest-ranking officer to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Rules Committee Delegation

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to grant the Rules Committee the ability to address all rule-making language. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Dennis Pierce moved, seconded by Richard Marino, to delegate authority to the Legislative Liaison to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Occupational Licensure Study Liaison

MOTION: Robert Webster moved, seconded by Jerry Lyons, to designate the Chair as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

10:00 A.M. PUBLIC HEARING ON CLEARINGHOUSE RULE 17-100 RELATING TO OBSOLETE CROSS-REFERENCES IN REAL ESTATE BROKER EDUCATION AND UPDATE TERMINOLOGY

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Thomas Richie moved, seconded by Jerry Lyons, to accept all Clearinghouse comments for CR 17-100 relating to obsolete cross-references in real estate broker education and update terminology. Motion carried unanimously.

MOTION: Thomas Richie moved, seconded by Jerry Lyons, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule CR 17-100 relating to obsolete cross-references in real estate broker education and update terminology for submission to the Governor's Office and Legislature. Motion carried unanimously.

REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL UPDATE

Review and Consider Approval of Revised Real Estate Forms

WB-28 Cooperative Agreement and WB-XX Commercial Cooperative Agreement

MOTION: Thomas Richie moved, seconded by Jerry Lyons, to adopt the numbering for WB-29 Commercial Cooperative Agreement, and to designate Richard Marino to approve the final versions of the WB-28 Cooperative Agreement and WB-29 Commercial Cooperative Agreement forms as recommended and presented at today's meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Richard Marino 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; Richard Marino-yes; Dennis Pierce-yes; Thomas Richie-yes; Robert Webster-yes. Motion carried unanimously.

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

RECONVENE TO OPEN SESSION

MOTION: Jerry Lyons moved, seconded by Richard Marino, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:30 p.m.

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

MOTION: Robert Webster moved, seconded by Jerry Lyons, 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.)

CREDENTIALING MATTERS

(Robert Webster recused himself and left the GoToMeeting for deliberation and voting in the matter of Lynette Haman. Richard Marino acted as Chair in his absence.)

Lynette Haman, Application for Renewal of Real Estate Broker's License – Conviction Review

MOTION: Jerry Lyons moved, seconded by Dennis Pierce, to grant the application of Lynette Haman for renewal of a real estate broker's license. Motion carried unanimously.

MOTION: Robert Larson moved, seconded by Thomas Richie, to refer the matter of Lynette Haman to DLSC to open an investigation into the reporting of offenses. Motion carried unanimously.

(Robert Webster re-joined the GoToMeeting and resumed duties as Chair.)

Christopher Meisel, Application for Real Estate Salesperson License – Discipline Review

MOTION: Robert Webster moved, seconded by Robert Larson, to deny the application of Christopher Meisel for a real estate salesperson license pursuant to Wis. Stat. §§ 452.03 and 452.13(3)(i). Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warning(s)

15 REB 121 – C.L.S. and C.L.S R., Inc.

MOTION: Richard Marino moved, seconded by Jerry Lyons, to issue an Administrative Warning in the matter of DLSC case number 15 REB 121 against C.L.S. and CLS R., Inc. Motion carried unanimously.

15 REB 121 – T.B.

MOTION: Richard Marino moved, seconded by Jerry Lyons, to issue an Administrative Warning in the matter of DLSC case number 15 REB 121 against T.B. Motion carried unanimously.

17 REB 025 – J.J.O., O.R., LLC

MOTION: Jerry Lyons moved, seconded by Thomas Richie, to issue an Administrative Warning in the matter of DLSC case number 17 REB 025 against J.J.O. and O.R., LLC. Motion carried unanimously.

17 REB 042 – T.J.W.

MOTION: Robert Webster moved, seconded by Dennis Pierce, to issue an Administrative Warning in the matter of DLSC case number 17 REB 042 against T.J.W. Motion carried unanimously.

17 REB 053 – L.A.M., H.R.C., LLC

MOTION: Dennis Pierce moved, seconded by Jerry Lyons, to issue an Administrative Warning in the matter of DLSC case number 17 REB 053 L.A.M. and H.R.C., LLC. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

16 REB 050 – Christopher W. Buttrum

MOTION: Jerry Lyons moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Christopher W. Buttrum, DLSC case number 16 REB 050. Motion failed.

16 REB 086 – James M. Coen

MOTION: Jerry Lyons moved, seconded by Robert Larson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against James M. Coen, DLSC case number 16 REB 086. Motion carried unanimously.

16 REB 086 – Gerald D. Morse, The Morse Company of Janesville, Inc.

MOTION: Jerry Lyons moved, seconded by Robert Larson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gerald D. Morse and The Morse Company of Janesville, Inc., DLSC case number 16 REB 086. Motion carried unanimously.

16 REB 099 – Charese A. Gardner

MOTION: Thomas Richie moved, seconded by Richard Marino, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Charese A. Gardner, DLSC case number 16 REB 099. Motion carried unanimously.

17 REB 014 – Roy A. Burlingame and Urban Farm Realty, Inc.

MOTION: Robert Webster moved, seconded by Jerry Lyons, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Roy A. Burlingame and Urban Farm Realty, Inc., DLSC case number 17 REB 014. Motion carried unanimously.

16 REB 079 – Joseph L. Bell, Sr.

MOTION: Thomas Richie moved, seconded by Robert Larson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Joseph L. Bell, Sr., DLSC case number 16 REB 079. Motion carried unanimously.

16 REB 079 – Jean L. Newton

MOTION: Thomas Richie moved, seconded by Robert Larson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jean L. Newton, DLSC case number 16 REB 079. Motion carried unanimously.

Case Closings

17 REB 073 – R.J., B.R., Inc.

MOTION: Marino moved, seconded by Lyons, to close DLSC case number 17 REB 073, against R.J. and B.R., Inc. for Insufficient Evidence. Motion carried unanimously.

17 REB 093 – C.K.

MOTION: Robert Webster moved, seconded by Jerry Lyons, to close DLSC case number 17 REB 093, against C.K. for Prosecutorial Discretion (P6). Motion carried unanimously.

MONITORING MATTERS

Christine Kosnick – Requesting Termination of Suspension

MOTION: Jerry Lyons moved, seconded by Richard Marino, to grant the request of Christine Kosnick for termination of suspension. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST TIFFINY L. HARDEN, RESPONDENT, DHA CASE NUMBER SPS-17-0012/DLSC CASE NUMBER 16 REB 026

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Tiffany L. Harden, Respondent – DHA case number SPS-17-0012/DLSC case number. 16 REB 026. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 1:32 p.m.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 12 April 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: 19 April 2018	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. REEB 24.17 (3) Relating To Violation of Board Orders 2. Update of 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>12 April 2018</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.			

TEXT OF RULE

SECTION 1. REEB 24.17 (3) is amended to read:

REEB 24.17 (3) VIOLATION OF STATUTES, ADMINISTRATIVE CODE AND DISCIPLINARY ORDERS. Licensees Shall not violate any provisions or terms or conditions of, or aid or abet the violation of ch. 452, Stats., chs. REEB 11 to 25 or any ~~disciplinary~~ order of, the board.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv. On behalf of Erin Karow, Executive Director		2) Date When Request Submitted: 3/28/2018 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: 4/4/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2019-2020 Proposed Suggestions for the 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? <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: Review and discuss the proposed 2019-2020 continuing education curriculum prepared for the Council on Real Estate Curriculum and Examinations meeting on April 4, 2018 by the Wisconsin REALTORS® Association.			
11) Authorization			
Kimberly Wood		3/28/2018	
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.			

Proposed 2019-2020 Continuing Education Curriculum

Under the proposed 2019-2020 continuing education:

- Licensees are still required to complete 18 hours of continuing education
- Licensees are still required to complete six approved courses
- Each approved course will be comprised of several topics
 - Each topic will include 50 minutes of instruction
 - A licensee must complete three, 50-minute topics within one course to complete the course
- For Courses 1-4, a licensee must complete one mandatory topic and choose two topics from the approved list
- For Courses 5-6, a licensee must complete three topics by choose from the approved list
- Example: To complete Course 1 Wisconsin Listing Contracts, a licensee would be required to complete the mandatory course topic as indicated below and then select two from the remaining approved topics:
 - **Real Estate Condition Report and Defects (50 minutes) MANDATORY**
 - Agency (50 minutes)
 - Real Property and Personal Property (50 minutes)
 - Advertising by Licensees (50 minutes)
 - Fees and Commission (50 minutes)
- In summary the six courses would include:
 - Course 1 Wisconsin Listing Contracts
 - Course 2 Wisconsin Offers to Purchase
 - Course 3 Wisconsin New Development
 - Course 4 Wisconsin Real Estate Ethics (working title)
 - Course 5 Survey of Wisconsin Real Estate Law and Practice (working title)
 - Course 6 Specialized Lessons in Wisconsin Real Estate (working title)
- The following information provides a further breakdown of the proposed course design presented to the Curriculum Council at the April 4, 2018 meeting.

1. COURSE 1 - WISCONSIN LISTING CONTRACTS

- a. **Real Estate Condition Report and Defects (50 minutes) MANDATORY**
 - i. Real estate condition report (Wis. Stat. § 709.03)
 - ii. Amendments to report (Wis. Stat. § 709.035) and Right to rescind (Wis. Stat. § 709.05)
 - iii. Seller representation regarding defects (Relevant WB Listing Contract, e.g. lines 241-245 of the WB-1)
 - iv. Listing agent's inspection and disclosure obligations (Wis. Stat. § 452.133(1)(c), Wis. Admin. Code § REEB 24.07)
- b. Agency (50 minutes)
 - i. Pre-agency (Wis. Stat. § 452.134(1)) and subagency (Wis. Stat. § 452.134(1), relevant WB Listing Contract, e.g. lines 125-134)
 - ii. Multiple representation (Wis. Stat. § 452.134, relevant WB Listing Contract, e.g. lines 95-111 of the WB-1)
 - iii. Disclosure of duties (Wis. Stat. § 452.135, relevant WB Listing Contract, e.g. lines 67-94)
- c. Advertising by Licensees (50 minutes)
 - i. False advertising (Wis. Stat. § 452.136(2)), Advertised price (Wis. Stat. § 452.136(4))
 - ii. Disclosure of name (Wis. Stat. § 452.136(2))
 - iii. Advertising without agency agreement prohibited (Wis. Stat. § 452.136(3))
- d. Fees and Commission (50 minutes)
 - i. Commission (Relevant WB Listing Contract, e.g. lines 27-51 of the WB-1)
 - ii. Fees and commissions (Wis. Stat. § 452.19)
 - iii. Actions for commissions (Wis. Stat. 452.20)
- e. Real Property and Personal Property (50 minutes)
 - i. Negotiating for the sale of personal property (Wis. Stat. § 452.133(3)(d)) and WB-25 Bill of Sale ((Wis. Admin. Code § REEB 16.03)
 - ii. Included/not included (Relevant WB Listing Contract, e.g. lines 6-16 of the WB-1)
 - iii. Fixtures (Relevant WB Listing Contract, e.g. lines 181-194 of the WB-1)

2. COURSE 2 - WISCONSIN OFFERS TO PURCHASE

- a. **Inspection and Testing (50 minutes) MANDATORY**
 - i. Inspections and tests (Relevant WB Offer, e.g. lines 395-409 of the WB-11)
 - ii. Inspectors and testers (Relevant WB Offer, e.g. lines 410-433 of the WB-11)
 - iii. Notices and amendments (WB-41 Notice Relating to Offer to Purchase, WB-40 Amendment to Offer to Purchase)
 - iv. Licensee's duty to inspect (Wis. Admin. Code § REEB 24.07)
- b. **Special Assessments and Closing Prorations (50 minutes)**
 - i. Payment for special assessments (Relevant WB Offer, e.g. lines 360-368 of the WB-11)
 - ii. Closing prorations (Relevant WB Offer, e.g., lines 118-139 of the WB-11)
 - iii. Disclosure of existing or pending special assessments (Wis. Stat. 709.03, Wis. Admin. Code § REEB 24.07)
- c. **Financing and Appraisal Contingencies (50 minutes)**
 - i. Buyer's loan commitment (Relevant WB Offer, e.g., lines 216-246 of the WB-11)
 - ii. Seller termination and financing unavailable (Relevant WB Offer, e.g., lines 247-256 of the WB-11)
 - iii. Appraisal contingency (Relevant WB Offer, e.g., lines 264-271 of the WB-11)
- d. **Closing of Buyer's Property and Secondary Offers (50 minutes)**
 - i. Closing of buyer's property contingency including bump clause (Relevant WB Offer, e.g., lines 304-311 of the WB-11)
 - ii. Secondary offer (Relevant WB Offer, e.g., lines 312-317 of the WB-11)
 - iii. Multiple offers (WB-44 Counter-offer, WB-46 Multiple Counter Proposal)
- e. **Default, Earnest Money, WB-45 Cancellation Agreement and Mutual Release (50 minutes)**
 - i. Default (Relevant WB Offer, e.g., lines 278-297 of the WB-11)
 - ii. Earnest money (Relevant WB Offer, e.g., lines 369-394 of the WB-11; Wis. Admin. Ch. REEB 18)
 - iii. WB-45 Cancellation Agreement and Mutual Release

3. COURSE 3 - WISCONSIN NEW DEVELOPMENTS

- a. **Wisconsin Department of Safety and Professional Services Complaint and Discipline Process (50 minutes) MANDATORY**
- b. Wisconsin Statutes and Administrative Code (50 minutes)
- c. Wisconsin Cases (50 minutes)
- d. Wisconsin State-Approved Forms (50 minutes)
- e. Federal Legal Real Estate Issues Update (50 minutes)

4. COURSE 4 - WISCONSIN REAL ESTATE ETHICS (working title)

- a. **Misrepresentation and Concealment (50 minutes) MANDATORY**
 - i. Material adverse facts (Wis. Stat. § 452.133, Wis. Admin. Code § REEB 24.07, Article 2)
 - ii. Reliance on third party inspections and investigations (Wis. Admin. Code § REEB 24.07)
 - iii. Misrepresentation (Wis. Stat. § 100.18, Article 12)
- b. Fair Housing and Assistance Animals (50 minutes)
 - i. Reasonable accommodations (Wis. Stat. § 106.50, Article 10, 42 U.S. C. § 3604)
 - ii. Undue burden (Wis. Stat. § 106.50, Article 10, 42 U.S. C. § 3604)
 - iii. Process to request a reasonable accommodation (Wis. Stat. § 106.50, Article 10, 42 U.S. C. § 3604, Wis. Stat. Ch. 704)
- c. Agent-to-Agent Relationships (50 minutes)
 - i. Open house and showing responsibilities (Wis. Admin. Code § REEB 24.13, Article 15, Article 3, relevant WB Listing Contract, e.g. lines 253-262)
 - ii. Professional negotiations (Wis. Admin. Code § REEB 24.13, Article 3)
 - iii. Investigations and discipline of licensees (Wis. Stat. § 452.14)
- d. Dispute Resolution (50 minutes)
 - i. Ombudsman (National Association of REALTORS policy statement #59)
 - ii. Mediation (Article 17)
 - iii. Arbitration (Article 17)
- e. Security (50 minutes)
 - i. Guard against hacking (Wis. Stat. § 452.133)
 - ii. Password protection (Wis. Stat. § 452.133)
 - iii. Social media presence (Wis. Stat. § 452.133)
 - iv. Protecting databases (Wis. Stat. § 452.133)

5. COURSE 5 - SURVEY OF WISCONSIN REAL ESTATE LAW AND PRACTICE (working title)

- a. Wisconsin Condominium Listing (*50 minutes*)
 - i. WB-4 Residential Condominium Listing Contract – Exclusive Right to Sell (Wis. Admin. Code Ch. REEB 16)
 - ii. Condominium ownership (Wis. Stat. Ch. 703)
 - iii. Condominium disclosure documents (Wis. Stat. §703.33)
- b. Wisconsin Commercial Listing (*50 minutes*)
 - i. WB-5 Commercial Listing Contract – Exclusive Right to Sell (Wis. Admin. Code Ch. REEB 16)
 - ii. Valuation of commercial property (Wis. Stat. § 70.32(1))
- c. Short Sale and Foreclosure Basics (*50 minutes*)
 - i. Listing short sale properties
 - ii. Lender approval and related addenda
 - iii. Secondary offers
 - iv. Foreclosures (Wis. Stat. Ch. 846)
- d. Competency (*50 minutes*)
 - i. Shall not provide services that the licensee is not competent to provide unless the licensee engages assistances of someone who is competent (Wis. Admin. Code Ch. REEB 24.03(2)(a))
 - ii. Shall protect the public against fraud, misrepresentation and unethical practices (Wis. Admin. Code Ch. REEB 24.03(2)(b))
 - iii. Shall be knowledgeable regarding laws, public policies and current market conditions (Wis. Admin. Code Ch. REEB 24.03(2)(c))
- e. Waterfront Property (*50 minutes*)
 - i. Zoning of shorelands on navigable waters (Wis. Stat. § 59.692)
 - ii. Wisconsin's Shoreland Protection Program (Wis. Admin. Code. Ch. 115)
 - iii. Lake districts and lake associations
- f. Cooperation with Out-of-State Licensees (*50 minutes*)
 - i. Referral Fees (Wis. Stat. § 452.19(1))
 - ii. WB-28 Cooperative Agreement (Wis. Stat. § 452.137(2)(ag))
 - iii. WB-29 Commercial Cooperative Agreement (Wis. Stat. § 452.137(2)(am))
- g. Buyer Agency/Tenant Representation – Residential
 - i. WB-36 Buyer Agency/Tenant Representation Agreement
 - ii. WB-47 Amendment to Buyer Agency/Tenant Representation Agreement
- h. Role of the Wisconsin Home Inspector (*50 minutes*)
 - i. Mandatory inspection (Wis. Stat. Ch. 440, subch. XI, Wis. Admin. Code Ch. SPS 131)
 - ii. Optional (Wis. Stat. Ch. 440, subch. XI, Wis. Admin. Code Ch. SPS 131)
 - iii. Prohibited (Wis. Stat. Ch. 440, subch. XI, Wis. Admin. Code Ch. SPS 131)
 - iv. Inspection report, including use of the term defect (Wis. Stat. Ch. 440, subch. XI, Wis. Admin. Code Ch. SPS 131))

6. COURSE 6 - SPECIALIZED LESSONS IN WISCONSIN REAL ESTATE (working title)

- a. Wisconsin Vacant Land Listing and Offer to Purchase (*50 minutes*)
 - i. Contingencies (WB-13 Vacant Land Offer to Purchase, Wis. Admin. Code Ch. REEB 16)
 - ii. Financing (WB-13 Vacant Land Offer to Purchase, (Wis. Admin. Code Ch. REEB 16)
 - iii. WB-3 Vacant Land Listing Contract Exclusive Right to Sell (Wis. Admin. Code Ch. REEB 16)
 - iv. Vacant land disclosure report (Wis. Stat. § 709.033)
- b. Wisconsin Condominium Offer to Purchase (*50 minutes*)
 - i. WB-14 Residential Condominium Offer to Purchase (Wis. Admin. Code Ch. REEB 16)
 - ii. Financing for condominium transactions
 - iii. Fees related to condominium transfer (Wis. Stat. §703.20, Wis. Stat. § 703.335)
- c. Wisconsin Commercial Offer to Purchase (*50 minutes*)
 - i. WB-15 Commercial Offer to Purchase (Wis. Admin. Code Ch. REEB 16)
 - ii. Additional Provisions and Addendum (Wis. Admin. Code REEB § 24.03)
- d. Risk Management (*50 minutes*)
 - i. Contract Drafting (Wis. Stat. 452.133, Wis. Admin. Code Ch. REEB 16)
 - ii. Supervision (Wis. Stat. § 452.132)
 - iii. Independent Practice (Wis. Stat. 452.30)
- e. Negotiation Tools (*50 minutes*)
 - i. WB-44 Counter-Offer (Wis. Admin. Code Ch. REEB 16)
 - ii. WB-46 Multiple Counter-Proposal (Wis. Admin. Code Ch. REEB)
 - iii. Escalation clauses (Wis. Admin. Code § REEB 16.05)
- f. Land Use and Zoning (*50 minutes*)
 - i. Substandard lots (Wis. Stat. § 66.10015)
 - ii. Conditional use permits (Wis. Stat. § 59.69, Wis. Stat. § 60.61, Wis. Stat. § 62.23)
 - iii. Vested rights (Wis. Stat. § 66.100015(2)(b))
 - iv. Variances (Wis. Stat. Ch. 59)
- g. Buyer Agency/Tenant Representation – Commercial
 - i. WB-38 Commercial Buyer Agency/Tenant Representation Agreement
 - ii. WB-47 Amendment to Buyer Agency/Tenant Representation Agreement
- h. Agency Models
 - i. Rejection of multiple representation (Wis. Stat. § 452.134, Wis. Stat. § 452.135, Relevant WB Listing Contract, e.g. lines 113-119 of the WB-1)
 - ii. Multiple representation with designated agency (Wis. Stat. § 452.134, Wis. Stat. § 452.135, Relevant WB Listing Contract, e.g. lines 113-119 of the WB-1)
 - iii. Multiple representation without designated agency (Wis. Stat. § 452.134, Wis. Stat. § 452.135, Relevant WB Listing Contract, e.g. lines 113-119 of the WB-1)
- i. Delivery and Binding Acceptance (*50 minutes*)
 - i. Forms of Delivery in the WB offer to purchase: Personal delivery/ U.S. Mail, commercial delivery, fax, email (Relevant WB Listing Offer, e.g. lines 34-54 of the WB-11)
 - ii. Acceptance/Binding Acceptance Relevant WB Offer, e.g. lines 23-30 of the WB-11)
 - iii. Deadlines (Relevant WB Listing Offer, e.g. lines 174-181 of the WB-11)

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Erin Karow, Executive Director on behalf of the Chair of the Real Estate Contractual Forms Advisory Council		2) Date When Request Submitted: 4/12/2018 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: 4/19/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Real Estate Contractual Forms Advisory Council Update – Discussion and Consideration 1. Consideration of Appointments to the Real Estate Contractual Forms Advisory Council	
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 (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: None	
10) Describe the issue and action that should be addressed: The attached materials are for board discussion and consideration for appointment to serve on the Real Estate Contractual Forms Advisory Council.			
11) Authorization			
<i>Erin Karow</i>		4/12/2019	
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.			