



**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, 2nd Floor, Madison
Will Johnson (608) 266-2112
December 7, 2023**

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 Minutes of October 19, 2023 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Berry, Jeffery K. – 7/1/2026
 - b. Kaleka, Gurmit S. – 7/1/2025
 - c. Lacy, Cathy J – 7/1/2025
 - d. Lauer, Elizabeth A. – 7/1/2022
 - e. Mays, Sonya G. – 7/1/2024
 - f. Pierce, Dennis M. – 7/1/2013
 - g. Richie, Thomas J. – 7/1/2026
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Disciplinary Trends in Real Estate – Discussion and Consideration
- H. Administrative Rules Matters – Discussion and Consideration (7)**
 - 1) Pending or Possible Rulemaking Projects (8)
- I. Report and Possible Action from the Real Estate Contractual Forms Advisory Council – Discussion and Consideration
- J. Newsletter Matters – Discussion and Consideration
- K. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Public Health Emergencies
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. 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.).

M. Deliberation on Department of Legal Services and Compliance (DLSC) Matters

- 1) Proposed Stipulations, Final Decisions and Orders**
 - a. 20 REB 108 – Mario D. Hardwick **(9-15)**
 - b. 21 REB 018 – Austin D. Duerr **(16-21)**
 - c. 21 REB 029 – Doug W. Noot **(22-30)**
 - d. 21 REB 127 & 22 REB 017 – Anthony Giglio & Listwithfreedom.com **(31-47)**
 - e. 21 REB 130 – Larry Ring **(48-54)**
 - f. 22 REB 051 – Jeffrey Frost **(55-61)**
 - g. 22 REB 091 – James M. Dooley **(62-67)**
- 2) Administrative Warnings**
 - a. 20 REB 108 – C.L.S. & B.H.H.M.R. **(68-70)**
 - b. 23 REB 057– E.J.M. & E.L. **(71-72)**
- 3) Case Closings**
 - a. 22 REB 091 – D.R.E.S. **(73-77)**
 - b. 23 REB 117 – M.E. **(78-81)**

4) Monitoring Matters (82-83)

- a. Steven McKenzie, Real Estate Broker – Requesting Full Licensure **(84-96)**
- b. Kevin Spencer, Real Estate Broker – Requesting Full Licensure **(97-104)**

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 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

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: FEBRUARY 1, 2024

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**HYBRID (IN-PERSON/VIRTUAL)
REAL ESTATE EXAMINING BOARD
MEETING MINUTES
OCTOBER 19, 2023**

PRESENT: Jeffery Berry (*via Zoom*) (*arrived at 10:07 a.m.*), Gurmit Kaleka, Cathy Lacy, Elizabeth Lauer, Sonya Mays (*via Zoom*) (*arrived at 10:08 a.m.*), Thomas Richie

EXCUSED: Dennis Pierce

STAFF: Will Johnson, Executive Director; Joseph Ricker, Acting Legal Counsel; Nilajah Hardin, Acting Administrative Rule Coordinator; Dialah Azam, Board Administration Specialist; and Other Department Staff

CALL TO ORDER

Thomas Richie, Chairperson, called the meeting to order at 10:03 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF AUGUST 17, 2023

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to approve the Minutes of August 17, 2023 as published. Motion carried unanimously.

(Jeffery Berry arrived at 10:06 a.m.)

(Sonya Mays arrived at 10:08 a.m.)

ADMINISTRATIVE RULES MATTERS

Preliminary Rule Draft: 12 and 25, Relating to License Renewal and Continuing Education

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to authorize the Chairperson to approve the preliminary rule draft of REEB 12 and 25, relating to License Renewal and Continuing Education, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**REPORT AND POSSIBLE ACTION FROM THE
REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL**

WB: 1, 2, 3, 4, 5, 6, 36, 37, 38, 39

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to adopt the recommendations for WB 1, 2, 3, 4, 5, 6, 36, 37, 38, and 39 and to designate the Chairperson to approve the final versions of the forms presented at today's meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Cathy Lacy moved, seconded by Gurmit Kaleka, 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.). Thomas Richie, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Jeffery Berry-yes; Gurmit Kaleka-yes; Cathy Lacy -yes; Elizabeth Lauer-yes; Sonya Mays-yes; and Thomas Richie-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:35 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

MOTION: Elizabeth Lauer moved, seconded by Gurmit Kaleka, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 20 REB 032 – Michael J. Lynskey Jr. & Lynskey Property Management Inc.
2. 20 REB 124 – Tamara Y. Cantrell
3. 23 REB 025 – Aletha J. Champine

Motion carried unanimously.

Administrative Warnings

20 REB 124 – P.P.R.

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to issue an Administrative Warning in the matter of P.P.R., DLSC Case Number 20 REB 124. Motion carried unanimously.

Case Closings

MOTION: Elizabeth Lauer moved, seconded by Gurmit Kaleka, to close the following DLSC Cases for the reasons outlined below:

1. 20 REB 032 – R.C. – Prosecutorial Discretion (P1)
2. 20 REB 124 – J.G. – Insufficient Evidence
3. 21 REB 065 – R.R.A., R.T. – Insufficient Evidence
4. 22 REB 048 – C.B. – Prosecutorial Discretion (P2)
5. 22 REB 057 – J.M., D.C., E.R. – No Violation
6. 22 REB 069 – D.T. – No Violation
7. 23 REB 025 – M.S., J.R.E. – No Violation
8. 23 REB 131 – S.R., R.R. – Prosecutorial Discretion (P1)

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:10 a.m.

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

MOTION: Elizabeth Lauer moved, seconded by Gurmit Kaleka, 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.)

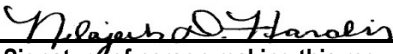
ADJOURNMENT

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

The meeting adjourned at 11:12 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 11/22/23 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: 12/07/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: -Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
 Signature of person making this request		11/22/23 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
Rule Project Chart (updated 11/22/23)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Step	Next Step
Not Assigned Yet	078-22	03/19/2025	REEB 12 and 25	License Renewal and Continuing Education	EIA Comment Posting and Fiscal Estimate	Submission for Clearinghouse Review