



**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Will Johnson (608) 266-2112
August 15, 2024**

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 Minutes of June 13, 2024 (5-8)**
- 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. – 7/1/2026
 - 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. 10:00 A.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE:
Scope Statement SS 076-24 (REEB 12) Relating to Application Requirements (9-12)**
- H. 10:00 A.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE:
Scope Statement SS 077-24 (REEB 24) Relating to Conduct and Ethical Practices (13-15)**
- I. Administrative Rules Matters – Discussion and Consideration (16)**
 - 1) Discussion of Comments Received on Scope Statement for REEB 12 on Application Requirements (17-18)

- 2) Discussion of Comments Received on Scope Statement for REEB 24 on Conduct and Ethical Practices (19-20)
- 3) Pending or Possible Rulemaking Projects (21)

J. Disciplinary Trends in Real Estate – Discussion and Consideration

K. Newsletter Matters – Discussion and Consideration

L. 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

M. 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.).

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

- 1) **Administrative Warnings**
 - a. 22 REB 044 – K.L.B. (22-23)
 - b. 23 REB 175 – D.J.K. (24-25)
 - c. 24 REB 0043 – J.A.H. (26-27)

- 2) **Case Closings**
 - a. 21 REB 061 – R.O. & R.V.R. (28-34)
 - b. 22 REB 044 – R.L., M.K., P.P.R. (35-42)
 - c. 22 REB 073 – P.G. (43-46)
 - d. 23 REB 033 – R.W. (47-50)
 - e. 23 REB 179 – T.M., T.H., U.C.M.L.P. (51-57)

O. 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

P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: OCTOBER 17, 2024

Board Member Training: November 15

 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://dps.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
JUNE 13, 2024**

PRESENT: Gurmit Kaleka (*via Zoom*) (*excused at 10:25 a.m.*), Cathy Lacy, Elizabeth Lauer, Sonya Mays, Dennis Pierce (*via Zoom*), Thomas Richie

EXCUSED: Jeffery Berry

STAFF: Will Johnson, Executive Director; Renee Parton, Legal Counsel; Jake Pelegrin, Administrative Rule Coordinator; Dialah Azam, Board Administration Specialist; and Other Department Staff

CALL TO ORDER

Thomas Richie, Chairperson, called the meeting to order at 10:04 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 11, 2024

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to approve the Minutes of April 11, 2024 as published. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

Discussion of Scope Statement for REEB 12 on Application Requirements

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to approve the Scope Statement revising REEB 12 related to Application Requirements for submission to the Governor's Office and for publication in the Register. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chair is authorized to approve the required notice of hearing. Motion carried unanimously.

Discussion of Scope Statement for REEB 24 on Conduct and Ethical Practices

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to approve the Scope Statement revising REEB 24 related to Conduct and Ethical Practices for submission to the Governor's Office and for publication in the Register. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chair is authorized to approve the required notice of hearing. Motion carried unanimously.

Discussion of Adoption Order for REEB 12 and 25

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to authorize the Chair to approve the Adoption Order for REEB 12 and 25 related to License Renewal and Continuing Education. Motion carried unanimously.

**COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS
RECOMMENDATION FOR 2025-2026 CONTINUING EDUCATION CURRICULUM**

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to approve the recommendation of the Council on Real Estate Curriculum and Examinations for the 2025-2026 biennium. Motion carried unanimously.

(Gurmit Kaleka excused 10:25 a.m.)

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

WB Listing Contracts (WB 1, 2, 3, 4, 5, 6, 37)

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to adopt the recommendations for WB 1, 2, 3, 4, 5, 6, and 37 and designate the Chairperson to approve the final versions of the forms presented and discussed at the June 13, 2024 meeting. Motion carried unanimously.

WB Buyer Agency/Tenant Representation Agreement (WB 36, 38, 39)

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to adopt the recommendations for WB 36, 38, and 39 and designate the Chairperson to approve the final versions of the forms presented and discussed at the June 13, 2024 meeting. Motion carried unanimously.

WB Offers to Purchase (WB 11, 12, 13, 14, 15, 16, 17, 24) as it pertains to optional contingency

MOTION: Elizabeth Lauer moved, seconded by Thomas Richie, to adopt the recommendations for WB 11, 12, 13, 14, 15, 16, 17, and 24 and designate the Chairperson to approve the final versions of the forms presented and discussed at the June 13, 2024 meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Cathy Lacy moved, seconded by Sonya Mays, 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: Cathy Lacy -yes; Elizabeth Lauer-yes; Sonya Mays-yes; Dennis Pierce-yes; and Thomas Richie-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:39 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

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

1. 21 REB 047 – Cory W. Anderson
2. 21 REB 094 – Grant T. Schwab & Schwab Realty LTD
3. 21 REB 094 – Kris Janasik
4. 21 REB 112 – Christopher L. Slinker & Berkshire Hathaway HomeServices Metro Realty

Motion carried unanimously.

Administrative Warnings

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to issue an Administrative Warning in the following DLSC Cases:

1. 21 REB 047 – D.M.L. & L.M.L.
2. 21 REB 084 – A.A.S.
3. 21 REB 084 – N.T.L.
4. 24 REB 014 – I.D.

Motion carried unanimously.

Case Closings

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

1. 20 REB 081 – K.G., T.B., B.A. – Insufficient Evidence & No Violation
2. 21 REB 112 – S.4.L., S.5.L., S.6.L. – No Violation
3. 22 REB 052 – B.A.R.I. – Prosecutorial Discretion (P1)

Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Clay D. DiCiaula, Respondent – (DHA Case Number SPS-23-0085/ DLSC Case Number 21 REB 061)

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate to DSPS Chief Legal Counsel the Board’s authority to preside over and resolve the matter of disciplinary proceedings against Clay D. DiCiaula, DLSC Case Number 21 REB 061. Motion carried unanimously.

(Elizabeth Lauer recused herself and left the room for deliberation and voting in the matter concerning Clay D. DiCiaula, Respondent – DHA case number SPS-23-0085/DLSC Case Number 21 REB 061.)

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 12:00 p.m.

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

MOTION: Thomas Richie moved, seconded by Cathy Lacy, 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: Cathy Lacy moved, seconded by Sonya Mays, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:02 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 8/2/24 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: 8/15/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 10:00 A.M. PUBLIC HEARING: Scope statement SS 076-24 (REEB 12) Relating to Application Requirements 10:00 A.M. PUBLIC HEARING: Scope statement SS 077-24 (REEB 24) Relating to Conduct and Ethical Practices	
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: -Notice of prelim. public hearing and proposed scope statement for REEB 12 on Application Requirements -Notice of prelim. public hearing and proposed scope statement for REEB 24 on Conduct and Ethical Practices			
11) <i>Jake Pelegrin</i>		Authorization 8/2/24	
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.			

Notice of Preliminary Public Hearing

The Real Estate Examining Board announces that it will hold a preliminary public hearing on the proposed Scope Statement SS 076-24 on rule REEB 12, relating to Application Requirements, at the time and place shown below.

Hearing Information

Date: August 15, 2024

Time: 10:00 A.M.

Location: Information concerning the location of the hearing will be available at:

<https://dsps.wi.gov/Pages/BoardsCouncils/RealEstate/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

The scope may be reviewed and comments submitted at:

<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Comments may also be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, email to DSPSAdminRules@wisconsin.gov.

Comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by calling (608) 266-2112.

This Notice of Preliminary Hearing on Statement of Scope is approved by:

Chair

Date

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 12

Relating to: Application Requirements

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to create waiver provisions related to experience requirements established in s. 452.09 (4) (a) to (d), Stats. The Board will consider rulemaking for that purpose and for making other updates deemed necessary.

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

Section 452.09 (4) (a) to (d), Stats., covers experience requirements for real estate broker license applicants. Section 452.09 (4) (e), Stats., allows the Board to set standards by rulemaking to waive any requirement in (a) to (d). Wisconsin Administrative Code chapter REEB 12 contains more details on real estate broker and salesperson license application requirements, and this is where the code changes will be made.

The alternative to making these updates is that opportunities for licensing of brokers will continue not to afford applicants the chance to establish equivalent or similar experience through a waiver process.

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

Section 452.07 (1), Stats.: "The board shall promulgate rules for the guidance of the real estate profession..."

Section 452.09 (4) (e), Stats.: "The board may waive any requirement under par. (a), (b), (c), or (d) for any applicant based on standards established by the board by rule."

Section 15.08 (5) (b), Stats., states that each examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or 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."

Section 227.11 (2) (a), Stats., states that an agency "may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

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

Approximately 80 hours.

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

Real estate brokers and salespersons licensed in Wisconsin and those looking to enter the profession.

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

None.

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

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jake Pelegrin, 608-267-0989, DSAdminRules@wisconsin.gov.

Approved for publication:



Authorized Signature

06.14.2024

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

Notice of Preliminary Public Hearing

The Real Estate Examining Board announces that it will hold a preliminary public hearing on the proposed Scope Statement SS 077-24 on rule REEB 24, relating to Conduct and Ethical Practices, at the time and place shown below.

Hearing Information

Date: August 15, 2024

Time: 10:00 A.M.

Location: Information concerning the location of the hearing will be available at:

<https://dsps.wi.gov/Pages/BoardsCouncils/RealEstate/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

The scope may be reviewed and comments submitted at:

<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Comments may also be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, email to DSPSAdminRules@wisconsin.gov.

Comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by calling (608) 266-2112.

This Notice of Preliminary Hearing on Statement of Scope is approved by:

Chair

Date

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 24

Relating to: Conduct and Ethical Practices for Real Estate Licensees

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to update and clarify provisions relating to conduct for real estate licensees. The Board has identified the need to clarify provisions covering disclosure duties due to stakeholder confusion and will make other updates deemed necessary in chapter REEB 24.

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

Wisconsin Administrative Code chapter REEB 24 covers conduct and ethical practices for real estate licensees. The Board has identified the need to review the chapter and propose changes to update and clarify provisions covering disclosure duties and to make other updates deemed necessary.

The alternative to making these updates is that provisions covering disclosure duties in chapter REEB 24 will remain ambiguous and continue to cause stakeholder confusion, and other provisions in the chapter could lack needed updates to keep in step with the industry.

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

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

Section 15.08 (5) (b), Stats., states that each examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or 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."

Section 227.11 (2) (a), Stats., states that an agency "may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

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

Approximately 80 hours.

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

Real estate brokers and salespersons licensed in Wisconsin and those looking to enter the profession.

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

None.

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

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jake Pelegrin, 608-267-0989, DSAdminRules@wisconsin.gov.

Approved for publication:



Authorized Signature

06.14.2024

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 8/2/24 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: 8/15/24	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. Discussion of Comments Received on Scope Statement for REEB 12 on Application Requirements 2. Discussion of Comments Received on Scope Statement for REEB 24 on Conduct and Ethical Practices 3. 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: -Proposed scope statement for REEB 12 on Application Requirements -Proposed scope statement for REEB 24 on Conduct and Ethical Practices -Rule Projects Chart			
11) <i>Jake Pelegrin</i>		Authorization 8/2/24	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 12

Relating to: Application Requirements

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to create waiver provisions related to experience requirements established in s. 452.09 (4) (a) to (d), Stats. The Board will consider rulemaking for that purpose and for making other updates deemed necessary.

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

Section 452.09 (4) (a) to (d), Stats., covers experience requirements for real estate broker license applicants. Section 452.09 (4) (e), Stats., allows the Board to set standards by rulemaking to waive any requirement in (a) to (d). Wisconsin Administrative Code chapter REEB 12 contains more details on real estate broker and salesperson license application requirements, and this is where the code changes will be made.

The alternative to making these updates is that opportunities for licensing of brokers will continue not to afford applicants the chance to establish equivalent or similar experience through a waiver process.

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

Section 452.07 (1), Stats.: "The board shall promulgate rules for the guidance of the real estate profession..."

Section 452.09 (4) (e), Stats.: "The board may waive any requirement under par. (a), (b), (c), or (d) for any applicant based on standards established by the board by rule."

Section 15.08 (5) (b), Stats., states that each examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or 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."

Section 227.11 (2) (a), Stats., states that an agency "may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

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

Approximately 80 hours.

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

Real estate brokers and salespersons licensed in Wisconsin and those looking to enter the profession.

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

None.

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

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jake Pelegrin, 608-267-0989, DSPSAdminRules@wisconsin.gov.

Approved for publication:



Authorized Signature

06.14.2024

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 24

Relating to: Conduct and Ethical Practices for Real Estate Licensees

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to update and clarify provisions relating to conduct for real estate licensees. The Board has identified the need to clarify provisions covering disclosure duties due to stakeholder confusion and will make other updates deemed necessary in chapter REEB 24.

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

Wisconsin Administrative Code chapter REEB 24 covers conduct and ethical practices for real estate licensees. The Board has identified the need to review the chapter and propose changes to update and clarify provisions covering disclosure duties and to make other updates deemed necessary.

The alternative to making these updates is that provisions covering disclosure duties in chapter REEB 24 will remain ambiguous and continue to cause stakeholder confusion, and other provisions in the chapter could lack needed updates to keep in step with the industry.

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

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

Section 15.08 (5) (b), Stats., states that each examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or 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."

Section 227.11 (2) (a), Stats., states that an agency "may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

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

Approximately 80 hours.

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

Real estate brokers and salespersons licensed in Wisconsin and those looking to enter the profession.

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

None.

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

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jake Pelegrin, 608-267-0989, DSPSAdminRules@wisconsin.gov.

Approved for publication:



Authorized Signature

06.14.2024

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

**Real Estate Examining Board
Rule Project Chart**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Step	Next Step
CR 23-075	078-22	03/19/2025	REEB 12 and 25	License Renewal and Continuing Education	The adoption order is with the LRB for publication.	Rule effective 9/1/2024.
	076-24	1/22/2027	REEB 12	Application Requirements	Hold preliminary public hearing on the scope statement.	Scope implementation and rule drafting.
	077-24	1/22/2027	REEB 24	Conduct and Ethical Practices	Hold preliminary public hearing on the scope statement.	Scope implementation and rule drafting.