



COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS

Room 121C, 1400 East Washington Avenue, Madison

Contact: Erin Karow (608) 266-2112

May 22, 2018

The following agenda describes the issues that the Council 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 Council.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-2)**
- B) Approval of the Minutes of April 4, 2018 (3-4)**
- C) Administrative Matters**
 - 1) Department Updates
 - 2) Board and Staff Updates
- D) Education and Examination Matters – Discussion and Consideration (5-14)**
 - 1) 2019-2020 Proposed Continuing Education (CE) Curriculum
- E) Approval Process for National Association of Realtors Designation and Certification Courses – Discussion and Consideration (15)**
- F) Discussion and Consideration of Items Received After Preparation of the Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Election of Officers
 - 3) Appointment of Liaison(s)
 - 4) Administrative Matters
 - 5) Education and Examination Matters
 - 6) Informational Items
- G) Public Comments**

ADJOURNMENT

NEXT SCHEDULED MEETING: AUGUST 6, 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.

**COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS
MEETING MINUTES
APRIL 4, 2018**

PRESENT: Robert Blakely, Casey Clickner, Robert Larson, Kathy Kuhl, Kathy Zimmermann

STAFF: Erin Karow, Executive Director; Kimberly Wood, Program Assistant Supervisor - Advanced

CALL TO ORDER

Robert Larson called the meeting to order at 10:02 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- Open Session – Remove “Item C: Administrative Matters, 4) Appointment of Liaisons and Delegates”

MOTION: Robert Blakely moved, seconded by Kathy Zimmermann, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 18, 2016

MOTION: Kathy Kuhl moved, seconded by Kathy Zimmermann, to approve the Minutes of August 18, 2016 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

CHAIR

NOMINATION: Kathy Kuhl nominated Kathy Zimmermann for the Office of Council Chair. The nomination was declined.

NOMINATION: Kathy Zimmermann nominated Casey Clickner for the Office of Council Chair.

Erin Karow, Executive Director, called for nominations three (3) times.

Casey Clickner was elected as Chair by unanimous consent.

VICE CHAIR

NOMINATION: Kathy Zimmermann nominated Robert Blakely for the Office of Vice Chair.

Erin Karow, Executive Director, called for nominations three (3) times.

Robert Blakely was elected as Vice Chair by unanimous consent.

SECRETARY

NOMINATION: Kathy Zimmermann nominated Kathyne Kuhl for the Office of Secretary. The nomination was declined.

NOMINATION: Casey Clickner nominated Kathy Zimmermann for the Office of Secretary.

Erin Karow, Executive Director, called for nominations three (3) times.

Kathy Zimmermann was elected as Secretary by unanimous consent.

2018 ELECTION RESULTS	
Council Chair	Casey Clickner
Vice Chair	Robert Blakely
Secretary	Kathy Zimmermann

ADJOURNMENT

MOTION: Kathyne Kuhl moved, seconded by Casey Clickner, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:32 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Erin Karow, Executive Director		2) Date When Request Submitted: 5/14/2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Council on Real Estate Curriculum and Examinations			
4) Meeting Date: 4/22/2018	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 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 (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: Please review and discuss the proposed 2019-2020 continuing education curriculum prepared for the Council on Real Estate Curriculum and Examinations meeting on May 22, 2018 by the Wisconsin REALTORS® Association.			
11) Authorization			
<i>Erin Karow</i>		5/14/2018	
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 required to complete 18 hours of continuing education
- Licensees are 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 selected from the approved list
- Example: To complete Course 1 Wisconsin Listing Contracts, a licensee must 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)
- A certificate of completion cannot be issued by an approved provider for a course until the all three hours are completed and the examination is passed.
- All three hours for any one course must be completed through the same approved provider.
- Approved providers must incorporate forms into courses with the current mandatory use date and all content references to statutes and rules must be current.

1. COURSE 1 - WISCONSIN LISTING CONTRACTS

a. Seller Disclosure and Defects (50 minutes) MANDATORY

- i. Listing agent's inspection and disclosure obligations (Wis. Stat. § 452.133(1)(c), Wis. Admin. Code § REEB 24.07)
- ii. Seller representation regarding defects (Relevant WB Listing Contract, e.g. lines 241-245 of the WB-1)
- iii. Real estate condition report or vacant land disclosure report (Wis. Stat. §§ 709.03, Wis. Stat. § 709.033)
- iv. Amendments to report (Wis. Stat. § 709.035) and right to rescind (Wis. Stat. § 709.05)

b. Agency (50 minutes)

- i. Pre-agency (Wis. Stat. § 452.134(1))
- ii. Disclosure of duties (Wis. Stat. § 452.135, relevant WB Listing Contract, e.g. lines 67-94)
- iii. Multiple representation (Wis. Stat. § 452.134, relevant WB Listing Contract, e.g. lines 95-124 of the WB-1)
- iv. Subagency (Wis. Stat. § 452.134(1), relevant WB Listing Contract, e.g. lines 125-134)

c. Advertising by Licensees (50 minutes)

- i. Advertising without agency agreement prohibited (Wis. Stat. § 452.136(3))
- ii. Disclosure of name (Wis. Stat. § 452.136(2))
- iii. Advertised price (Wis. Stat. § 452.136(4))
- iv. False advertising (Wis. Stat. § 452.136(1))

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), WB-25 Bill of Sale, Wis. Admin. Code § REEB 16.03)
- ii. Included/not included (Wis. Stat. §§ 70.03, 70.04, 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. Duty to inspect – working with a buyer (Wis. Admin. Code § REEB 24.07)
- ii. Inspections and tests (Relevant WB Offer, e.g. lines 395-409 of the WB-11)
- iii. Inspection and Testing Contingencies (Relevant WB Offer, e.g. lines 410-433 of the WB-11)
- iv. Notices and amendments (WB-41 Notice Relating to Offer to Purchase, WB-40 Amendment to Offer to Purchase)

b. Special Assessments and Closing Prorations (50 minutes)

- i. Special assessments (Wis. Stat. Ch. 66. SubCh. VII)
- ii. Payment for special assessments (Relevant WB Offer, e.g. lines 360-368 of the WB-11)
- iii. Closing prorations (Relevant WB Offer, e.g., lines 118-139 of the WB-11)
- iv. Disclosure of existing or pending special assessments (Wis. Stat. §§ 709.03, 709.033 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. Offer not contingent on financing (Relevant WB Offer, e.g., lines 257-263)
- iv. Appraisal contingency (Relevant WB Offer, e.g., lines 264-271 of the WB-11)

d. Closing of Buyer's Property and Secondary Offer Contingencies (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. Stat. § 452.13, 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**
 - i. Reporting convictions (Wis. Stat. § 440.03, Wis. Admin. Code § REEB 24.17)
 - ii. Disciplinary proceedings (Wis. Stat. §§ 440.20-25,)
 - iii. Investigation and discipline of licensees (Wis. Stat. § 452.14)
 - iv. Penalties (Wis. Stat. § 452.17)
- b. Wisconsin Real Estate Statutes and Administrative Code – New and Revised (50 minutes)
- c. Wisconsin Real Estate Case Law (50 minutes)
- d. Wisconsin Approved Forms- New and Revised (50 minutes)
- e. Federal Legal Real Estate Issues Update (50 minutes)

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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, National Association of REALTORS® Code of Ethics, Article 2)
- ii. Reliance on third party inspections and investigations (Wis. Admin. Code § REEB 24.07)
- iii. Misrepresentation (Wis. Stat. § 100.18, National Association of REALTORS® Code of Ethics, Article 12)

b. Fair Housing and Assistance Animals (50 minutes)

- i. Reasonable accommodations (Wis. Stat. § 106.50, National Association of REALTORS® Code of Ethics, Article 10, 42 U.S. C. § 3604)
- ii. Undue burden (Wis. Stat. § 106.50, National Association of REALTORS® Code of Ethics, Article 10, 42 U.S. C. § 3604)
- iii. Process to request a reasonable accommodation (Wis. Stat. § 106.50, National Association of REALTORS® Code of Ethics, Article 10, 42 U.S. C. § 3604)

c. Agent-to-Agent Relationships (50 minutes)

- i. Open house and showing responsibilities (Wis. Admin. Code § REEB 24.13, National Association of REALTORS® Code of Ethics Article 15 and Article 3, relevant WB Listing Contract, e.g. lines 253-262 of the WB-1)
- ii. Professional negotiations (Wis. Admin. Code § REEB 24.13, National Association of REALTORS® Code of Ethics, National Association of REALTORS® Code of Ethics 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 (National Association of REALTORS® Code of Ethics, Article 17)
- iii. Arbitration (National Association of REALTORS® Code of Ethics, 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, 703.205)
 - iv. Payoff statement (Wis. Stat. §§ 703.335, 703.205)
- b. Broker Commission Liens (*50 minutes*)
 - i. Commercial real estate (Wis. Stat. § 779.32)
 - ii. Placing a lien (Wis. Stat. § 779.32)
 - iii. Removing a lien (Wis. Stat. § 779.32)
- c. Short Sale and Foreclosure Basics (*50 minutes*)
 - i. Listing short sale properties (Wis. Stat. § 452.133, Wis. Admin. Code Ch. REEB 16)
 - ii. Lender approval and related addenda (Wis. Stat. § 452.133, Wis. Admin. Code Ch. REEB 16)
 - iii. Secondary offers (Relevant WB Offer, e.g., lines 312-317 of the WB-11)
 - iv. Foreclosures (Wis. Stat. Ch. 846, Wis. Stat. § 452.133)
- d. Avoiding Complaints and Litigation (*50 minutes*)
 - i. Addressing incompetence (Wis. Admin. Code § REEB 24.03(2)(a))
 - ii. Protect the public against fraud, misrepresentation and unethical practices (Wis. Admin. Code § REEB 24.03(2)(b))
 - iii. Be knowledgeable regarding laws, public policies and current market conditions (Wis. Admin. Code § 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 (Wis. Stat. Ch. 33)
- f. Cooperation with Out-of-State Licensees (*50 minutes*)
 - i. Referral Fees (Wis. Stat. § 452.19)
 - ii. WB-28 Cooperative Agreement (Wis. Stat. § 452.137)
 - iii. WB-29 Commercial Cooperative Agreement (Wis. Stat. § 452.137)
- 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. Succession Planning (*50 minutes*)
 - i. Business organizations (Wis. Stat. Chs. 178, 179, 180, 183, Wis. Stat. §§ 452.01, 452.09, 452.10, 452.12)
 - ii. Transferring contracts (Wis. Stat. Ch. 180, WB-42 Amendment to Listing Contract, WB-47 Amendment to Buyer Agency/Tenant Representation Agreement)
 - iii. Trust accounts (Wis. Stat. § 452.13, Wis. Admin. Code Ch. REEB 18)
- i. 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)

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6. COURSE 6 - TOPICS 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. Condominium disclosure documents (Wis. Stat. § 703.33)
 - iv. Fees related to condominium transfer (Wis. Stat. § 703.20, Wis. Stat. § 703.335)
 - v. Small condominiums (Wis. Stat. 703.365)
- c. Commercial Transaction Documents (50 minutes)
 - i. Letters of intent (Wis. Admin. Code Ch. REEB 16)
 - ii. Commercial leases (Wis. Admin. Code Ch. REEB 16)
 - iii. Cooperation agreements with Out of State Licensees (OSL) (Wis. Stat. § 452.137. Wis. Admin. Ch. REEB 16)
- 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)
 - iv. Independent contractor
- 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. Client or customer (Wis. Stat. 452.01)
 - ii. 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)
 - iii. 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)
 - iv. 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 Offer, e.g. lines 34-54 of the WB-11)

- ii. Acceptance/Binding Acceptance Relevant (Relevant WB Offer, e.g. lines 23-30 of the WB-11)
- iii. Deadlines (Relevant WB Offer, e.g. lines 174-181 of the WB-11)

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Erin Karow, Executive Director on behalf of the Chair, Casey Clickner		2) Date When Request Submitted: 5/15/2018 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 Curriculum and Examinations Council			
4) Meeting Date: 5/22/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? E) Approval Process for National Association of Realtors Designation and Certification Courses – Discussion and Consideration	
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 Department staff in the Office of Education and Examinations will discuss with the Board the approval process for courses submitted by the National Association of Realtors.			
11) Authorization			
<i>Erin Karow</i>		5/15/2018	
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.			