



VIRTUAL/TELECONFERENCE
REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL
4822 Madison Yards Way, Madison
Contact: Will Johnson (608) 266-2112
January 22, 2026

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 and deliberations of the Council.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of November 13, 2025 (3)**
- C. Reminders – Scheduling Concerns**
- D. Introductions, Announcements, and Recognition**
- E. Administrative Matters**
 - 1. Department, Staff and Council Updates
 - 2. **2026 Meeting Dates (4)**
 - 3. **Annual Policy Review (5-8)**
 - 4. Real Estate Examining Board Update
- F. 2025 WI Act 69 Discussion and Consideration of Updates to Forms (9-14)**
- G. Review of Forms That Should Be Revised to Respond to the Settlement Agreement in the Sitzer-Burnett Class-Action Lawsuit – Discussion and Consideration**
- H. Legislative and Policy Matters – Discussion and Consideration**
- I. Review of Real Estate Contractual Forms for Revision – Discussion and Consideration**
- J. Next Steps**
- K. Public Comments**

ADJOURNMENT

NEXT MEETING: MARCH 25, 2026

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 any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. 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.

VIRTUAL/TELECONFERENCE
REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL
MEETING MINUTES
NOVEMBER 13, 2025

PRESENT: Casey Clickner, Jennifer Lindsley, Michael Gordon, Sonya Mays, Tami McFarlane, Kim Moermond, Angela Rowland, Jonathan Sayas, Thomas Weber Jr.

ABSENT: Laura Peck

STAFF: Will Johnson, Executive Director; Jameson Whitney, Legal Counsel; Ashley Sarnosky, Board Administration Specialist; and other Department Staff

CALL TO ORDER

Sonya Mays, Chairperson, called the meeting to order at 9:31 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

MOTION: Sonya Mays moved, seconded by Thomas Weber Jr., to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES FROM JULY 24, 2025

MOTION: Johnathan Sayas moved, seconded by Casey Clickner, to approve the minutes of July 24, 2025 as published. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 9:53 a.m.

REAL ESTATE CONTRACTUAL FORMS ADVISORY COUNCIL
2026 MEETING DATES

| Meeting Date | Start time | Location | Agenda Item Deadline |
|------------------------------|-------------------|-----------------|-----------------------------|
| Thursday, January 22, 2026 | 9:00 AM | Virtual | 1/9/2026 |
| Wednesday, March 25, 2026 | 9:00 AM | Virtual | 3/13/2026 |
| Thursday, May 21, 2026 | 9:30 AM | Virtual | 5/11/2026 |
| Thursday, July 23, 2026 | 9:30 AM | Virtual | 7/13/2026 |
| Thursday, September 24, 2026 | 9:30 AM | Virtual | 9/14/2026 |
| Thursday, November 12, 2026 | 9:30 AM | Virtual | 11/2/2026 |

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

AGENDA REQUEST FORM

- 1) Name and title of person submitting the request: Audra Cohen-Plata, DPD Division Administrator
- 2) Date When Request Submitted: 12/11/2025
- 3) Name of Board, Committee, Council, Section: **All Boards**
- 4) Meeting Date: **First Meeting of 2026**

- 5) Attachments: **Yes**
- 6) How should the item be titled on the agenda page? **Administrative Matters: Annual Policy Review**
- 7) Place Item in: **Open Session**
- 8) Is an appearance before the Board being scheduled? No
- 9) Name of Case Advisor(s), if applicable: N/A

- 10) Describe the issue and action that should be addressed:

Please be advised of the following policy item attachments:

- 1) 2026 Annual Policy Review Memo
- 2) Timeline of a Meeting
- 3) Sample Per Diem Report



DATE: January 1, 2026

TO: DSPS Board, Council, and Committee Members

FROM: Division of Policy Development

SUBJECT: 2026 Administrative Policy Reminders

Please be advised of the following policy items:

1. **In-Person and Virtual Meetings:** Depending on the frequency of scheduled meetings, discussion topics, and member availability, DSPS may host one or more in-person meetings. Virtual connection options are available for all board meetings. If you are traveling internationally, please see item 9 below.
2. **Attendance/Quorum:** Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. A quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. Connect to / arrive at meetings 10 minutes before posted start time to allow for audio/connection testing, and timely Call to Order and Roll Call. Virtual meetings include viewable onscreen materials and A/V (speaker/microphone/video) connections.
3. **Walking Quorum:** Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. If several members of a body do so, they could be violating the open meetings law.
4. **Mandatory Training:** All Board Members must complete Public Records and Ethics Training, annually. [Register to set up an account](#) in the Cornerstone LearnCenter online portal or [Log in](#) to an existing account.
5. **Agenda Deadlines:** Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 p.m., eight business days before a meeting. (Attachment: Timeline of a Meeting)
6. **Travel Voucher and Per Diem Submissions:** Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Form) Travel Vouchers are distributed on travel approval.
7. **Lodging Accommodations/Hotel Cancellation Policy:** Lodging accommodations are available to eligible members for in-person meetings. Standard eligibility: the member must leave home before 6:00 a.m. to attend an in-person meeting by the scheduled start time.
 - a. If a member cannot attend a meeting, they must cancel their reservation with the hotel within the applicable cancellation timeframe.
 - b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPS staff will cancel or modify reservations as appropriate.
8. **Inclement Weather Policy:** In inclement weather, the DSPS may change a meeting from an in-person venue to a virtual/teleconference only.
9. **International Travel:** Use of State-managed IT resources and access of State data outside the United States are strictly prohibited, as they cause an unacceptable level of cybersecurity risk. This prohibition includes all State-provided or State-managed IT resources housed on personal devices. Please advise your Executive Director of any planned international travel commitments that may coincide with board meetings or other board business in advance of your departure.

Timeline of a Meeting

At least 2 weeks (10 business days) prior to the meeting

Submit Agenda Item suggestions to the Board's Executive Director. Include background materials. Copyright-protected materials must be accompanied by written permission from the publisher to share documents.

8 business days prior to the meeting

The Agenda is drafted. (All agenda materials are due to the Department by 12:00 p.m.)

7 business days prior to the meeting

The draft agenda is submitted to the Executive Director; the Executive Director transmits it to the Chair for review and approval.

5 business days prior to the meeting

The approved agenda is returned to the Board Administration Specialist (BA) for agenda packet production and compilation.

4 business days prior to the meeting

Agenda packets are posted on the DSPS Board SharePoint site and on the Board webpage.

Agenda Item Examples:

- Open Session Items
 - Public Hearings and Administrative Rules Matters
 - Administrative Matters
 - Legislation and Policy Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting

Agendas are published for public notice on the Wisconsin Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting

"Action" lists are distributed to Department staff detailing board actions on closed session business.

5 business days after the Meeting

"To Do" lists are distributed to staff to ensure that board open session decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the Wisconsin Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Record board-related activities by date, indicate relevant purpose code, the duration of time spent in B-code activities, location, and activity description. Only one \$25.00 per diem payment will be issued on any given calendar day. Submit one form per month and within 60 days of the last activity being reported. Send completed forms to your Board's Administrative Specialist.

Purpose Codes:

A CODE Official meetings including Board Meetings, Hearings and Examinations and Test Development Sessions

(automatic day of per diem) Examples: board, committee, board training or screening panels; Senate Confirmation hearings, legislative and disciplinary hearings, or informal settlement conferences; test administration, test review or analysis events, national testing events, tour of test facilities, etc.

B CODE **Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work, e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

CLAIMANT'S CERTIFICATION The Board/Council member named above, certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. (Rev.04/24)

(Rev.04/24)

Board Member Approval & Date: _____

TOTAL DAYS CLAIMED: _____ @ \$25.00 = _____

Supervisor Approval & Date: _____

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

AGENDA REQUEST FORM

| | | | |
|--|---|--|--|
| 1) Name and Title of Person Submitting the Request: Jennifer Lindsley, Council Member | | 2) Date When Request Submitted: 01/12/2026 | |
| | | Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others | |
| 3) Name of Board, Committee, Council, Sections: Real Estate Contractual Forms Advisory Council | | | |
| 4) Meeting Date: 01/22/2026 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? 2025 WI Act 69 Discussion and Consideration of Updates to Forms | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | | 9) Name of Case Advisor(s), if required: |
| 10) Describe the issue and action that should be addressed: | | | |
| 11) Authorization | | | |
| Will Johnson | | 01/12/2026 | |
| 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: <ol style="list-style-type: none"> 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 Board Admin Specialist prior to the start of a meeting. | | | |



To: DSPS Real Estate Contractual Forms Advisory Council

From: WRA Staff

Date: January 15, 2026

Re: Forms Revision 2026

On December 9, 2025, Governor Evers signed [2025 Wisconsin Act 69](#). This law goes into effect January 1, 2027, and it affects three key areas that influence how licensees serve clients and how consumers understand the buying and selling process

1. Marketing of listed property: Ensuring sellers understand how and where their property is being marketed
2. Cooperating firm compensation: Prohibiting firm-to-firm compensation while preserving a seller's ability to compensate the firm working with the buyer as long as that compensation is documented in the offer to purchase.
3. Advertising enhanced by technology: Requiring disclosure when technology alters how property appears in marketing materials.

Marketing of Listed Property

The new Wis. Stat. 452.1355 Transactions involving residential property creates new obligations for a listing agent when listing a residential property. Residential is defined as a property containing one to four dwelling units. A listing agent must:

- Share information on the property with licensees representing prospective buyers or tenants.
- Respond to inquiries from any licensees representing prospective buyers or tenants.
- Make the property available for showing to prospective buyers or tenants.
- Within one business day from the start of any agency agreement authorizing the firm to seller or lease the property, advertise or market the property for sale or lease on one or more Internet platforms accessible to the general public and any licensees representing prospective buyers or tenant unless the owner completes and signs a disclosure and opt-out form prescribed by the department that includes all of the following:
 - The owner's written request that the listing firm withhold the owner's property from public marketing or advertising identified by the owner, along with a statement of the reason for that request.
 - The owner's written acknowledgement, initialed by the owner, that all of the following apply:
 - Real estate licensees and prospective buyers or tenants may not be aware that the owner's property is available for sale or lease.
 - The owner's property will not appear on Internet platforms or websites that are used by the general public to search for property listings.
 - Licensees and prospective buyers or tenants may not be aware of the terms and conditions under which the owner is offering the property for sale or lease.

- The reduced exposure of the property may reduce the number of offers to purchase or lease the property, may result in reduced sales or lease price for the property, and may negatively affect the owner's ability to sell or lease the property at terms favorable to the owners.
 - The owner may identify by name any licensee, prospective buyer, or prospective tenant that the owner does not wish to work with or allow to view the property, provided that such restrictions comply with all applicable state and federal laws.
- The owner may identify by name any licensee, prospective buyer, or prospective tenant that the owner does not wish to work with or allow to view the property, provided that such restrictions comply with all applicable state and federal laws.
- The board shall develop and make publicly available a consumer brochure that includes all of the following:
 - An explanation of the benefits of the publicly marketing property to increase exposure and attract interest from prospective buyers or tenants.
 - Information on the potential impacts of limiting the marketing of a property.
 - An explanation of the purpose and implications of signing the disclosure and opt-out form.
 - Guidance on how marketing restrictions may affect exposure, competition, and final sale price.
 - Sample question for consumers to ask listing firms regarding their marketing strategies.

1. This law is specific to residential property. Should the disclosure language be included in all WB Listing Contracts or just the residential ones?

- WB-1 Residential Listing Contract - Exclusive Right to Sell
- WB-2 Farm Listing Contract – Exclusive Right to sell
- WB- 3 Vacant Land Listing Contract – Exclusive Right to Selle
- WB-4 Residential Condominium Listing Contract – Exclusive Right to Sell
- WB-5 Commercial Listing Contract – Exclusive Right to Sell
- WB-6 Business Listing Contract – Exclusive Right to Sell
- WB-37 Residential Listing Contract – Exclusive Right to Rent

2. Does the existing Cooperation, Access to Property or Offer Presentation in the WB Listing Contracts take care of this language from the legislation? "The owner may identify by name any licensee, prospective buyer, or prospective tenant that the owner does not wish to work with or allow to view the property, provided that such restrictions comply with all applicable state and federal laws."

Should language be added to remind them that the restriction cannot violate Fair Housing?

COOPERATION, ACCESS TO PROPERTY OR OFFER PRESENTATION The parties agree that the Firm and its agents will work and cooperate with other firms and agents in marketing the Property, including firms acting as subagents (other firms engaged by the Firm - see lines 135-139) and firms representing buyers. Cooperation includes providing access to the Property for showing purposes and presenting offers and other proposals from these firms to Seller. Note any firms with whom the Firm shall not cooperate, any firms or agents or buyers who shall not be allowed to attend showings, and the specific terms of offers which should not be submitted to Seller:

CAUTION: Limiting the Firm's cooperation with other firms may reduce the marketability of the Property.

3. **The consumer brochure. Would you like the WRA Forms Committee to work on a draft of that for your consideration? The WB Forms would take priority, but we could ask the WRA Forms Committee to offer some suggestions once we get further down the path with the WB Forms. Presumably, the brochure should be referenced in the listing contract.**

4. **Optional use date??? Mandatory Use Date January 1, 2027.**

| Real Estate Contractual Forms Advisory Council Dates | Real Estate Examining Board |
|--|-----------------------------|
| January 22, 2026 | February 19, 2026 |
| March 25, 2026 | April 23, 2026 |
| May 21, 2026 | June 18, 2026 |
| July 23, 2026 | August 27, 2026 |
| September 24, 2026 | October 29, 2026 |
| November 12, 2026 | December 3, 2026 |

If you wanted Optional Use date of **October 1, 2026**, the Forms Council would need to be done with all the forms, at their **July 23, 2026**, meeting so the REEB could sign off at their **August 27, 2026**, meeting. Is this feasible? What if we schedule an additional Forms Council meeting in April or June to make this more feasible. The WRA Forms Committee could add a corresponding meeting to keep things moving.

If you want Optional Use Date of **November 1, 2026**, the Forms Council would need to be done with the forms at their **September 24, 2026**, meeting so the REEB could sign off at their **October 29, 2026**, meeting?

5. **See the draft WB-1 Residential Listing Contact that follows to see a beginning draft of the language. Due to the timing of the legislation, the WRA Forms Committee has not reviewed any of this language but they have a meeting in February and can begin offering suggestions for the March 25, 2026, meeting of this Council.**

Cooperating Firm Compensation

2025 Wisconsin Act 69 prohibits a real estate firm from paying compensation to a cooperating firm in transactions involving residential property. Residential property is defined as property containing one to four dwelling units. Referral fees are not affected.

A listing contract shall include a statement as to whether the seller authorized the listing firm to disclose if the seller is offering compensation to a firm other than the listing firm. Any payment from a seller to a firm working with a buyer must be included in the offer to purchase.

6. **This law is specific to residential property. Should modification of the Compensation to Others language be included in all WB Listing Contracts or just the residential ones?**

- WB-1 Residential Listing Contract - Exclusive Right to Sell
- WB-2 Farm Listing Contract – Exclusive Right to sell

- WB- 3 Vacant Land Listing Contract – Exclusive Right to Sell
- WB-4 Residential Condominium Listing Contract – Exclusive Right to Sell
- WB-5 Commercial Listing Contract – Exclusive Right to Sell
- WB-6 Business Listing Contract – Exclusive Right to Sell
- WB-37 Residential Listing Contract – Exclusive Right to Rent

7. **See the draft WB-1 Residential Listing Contact that follows to see a beginning draft of the revising the Compensation to Others section. Due to the timing of the legislation, the WRA Forms Committee has not reviewed any of this language, but they have a meeting in February and can begin offering suggestions for the March 25, 2026, meeting of this Council.**
8. **Should the Seller Payment of Compensation to Buyer's Firm section in the WB Offers be modified to allow a seller to pay a subagent? If so, should it be modified in all WB Offers or just the residential ones. Should seller payment to a subagent be a different check box? Should a reminder be added that a subagent cannot place their interests ahead of the principal firm's client (the seller)?**

Wis. Stat. § 452.133(3)(a) Prohibited Conduct allows a subagent to get paid by a seller IF they have the written consent of all parties to a transaction.

Wis. Stat. § 452.133 Prohibited conduct. In providing brokerage services, a licensee may not do any of the following:

(a) Accept any fee or compensation related to the transaction from any person other than the licensee's client, principal firm, or firm, without the prior written consent of all parties to the transaction.

Wis. Stat. § 452.133 (4) Subagent's duties

(a) A subagent owes all parties to whom the subagent is providing brokerage services in a transaction the duties specified in sub. (1) but does not owe the clients of the principal firm the duties under sub. (2).

(b) A subagent may not do any of the following:

1. Place the subagent's interests ahead of the interests of the clients of the principal firm in the transaction in which the subagent has been engaged by the principal firm.
2. Provide advice or opinions to parties in the transaction if providing the advice or opinions is contrary to the interests of the clients of the principal firm in the transaction in which the subagent has been engaged by the principal firm, unless required by law.

SELLER PAYMENT OF COMPENSATION TO BUYER'S FIRM: Seller agrees to pay to Buyer's Firm the amount of _____ (e.g., dollar amount, % of purchase price, etc.), toward Buyer's brokerage fees at closing. Payment made under this provision represents an economic adjustment only and does not create any agency relationship between Buyer's Firm and Seller, and the Parties agree Buyer's Firm is a direct and intended third party beneficiary of this contract.

| | |
|--------------|---|
| <u>WB-11</u> | Residential Offer to Purchase |
| <u>WB-12</u> | Farm Offer to Purchase |
| <u>WB-13</u> | Vacant Land Offer to Purchase |
| <u>WB-14</u> | Residential Condominium Offer To Purchase |
| <u>WB-15</u> | Commercial Offer to Purchase |

| | |
|--------------|---|
| <u>WB-16</u> | Offer to Purchase - Business With Real Estate Interest |
| <u>WB-17</u> | Offer to Purchase - Business Without Real Estate Interest |
| <u>WB-24</u> | Option to Purchase |

9. Same discussion about optional and mandatory use dates as the listing contracts.

Advertising Enhanced by Technology

2025 Wisconsin Act 69 requires licensees to disclose if advertising has been altered or modified using technology, including artificial intelligence, to add, remove or change elements of a property that creates a false or misleading impression of the property.

The law does not specify how or where this must be disclosed. It is up to the firm. Should we put a reminder about it in the marketing section of the listing contract to remind licensee and make sellers aware that it must be disclosed?

Referral Fees

Many states are looking at legislation requiring real estate licensees to disclose referral fees.