



**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Will Johnson (608) 266-2112
February 1, 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 (1-3)**
- B. Approval of Minutes of December 7, 2023 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. 10:00 A.M. Public Hearing on Reeb 12 and 25, relating to Licensure and Continuing Education for Brokers and Salespersons (7-20)**
- F. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) 2024 Meeting Dates **(21)**
 - 3) Annual Policy Review **(22-24)**
 - 4) Election of Officers, Appointments of Liaisons and Alternates, Delegation of Authorities **(25-41)**
 - 5) 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
- G. Legislative and Policy Matters – Discussion and Consideration (42)**
 - 1) Discussion and Consideration of AB 918 **(43-50)**
- H. Administrative Rules Matters – Discussion and Consideration (51)**
 - 1) REEB 12 and 25 – Discussion of Clearinghouse Report comments and comments from the public hearing **(52-66)**

2) Pending or Possible Rulemaking Projects (67)

I. Disciplinary Trends in Real Estate – Discussion and Consideration

J. Report and Possible Action from the Real Estate Contractual Forms Advisory Council – Discussion and Consideration

K. Newsletter Matters – Discussion and Consideration (68)

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) **Proposed Stipulations, Final Decisions and Orders**
 - a. 21 REB 127 & 22 REB 017 – Anthony Giglio & Listwithfreedom.com (69-85)
- 2) **Case Closings**
 - a. 21 REB 048 – J.K., C.H., G.B.R.E.M.C. (86-95)
- 3) **Monitoring Matters**

- a. David Klevgard, Real Estate Broker – Requesting Modification to Monitoring Order (96-106)

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: APRIL 11, 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.

**VIRTUAL/TELECONFERENCE
REAL ESTATE EXAMINING BOARD
MEETING MINUTES
DECEMBER 7, 2023**

PRESENT: Gurmit Kaleka, Cathy Lacy, Elizabeth Lauer, Sonya Mays, Dennis Pierce, Thomas Richie (*arrived at 10:52*)

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

Elizabeth Lauer, Vice Chairperson, called the meeting to order at 10:01 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF OCTOBER 19, 2023

MOTION: Dennis Pierce moved, seconded by Cathy Lacy, to approve the Minutes of October 19, 2023 as published. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 10:14 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

21 REB 127 & 22 REB 017 – Anthony Giglio & Listwithfreedom.com

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Anthony Giglio & Listwithfreedom.com, DLSC Case Numbers 21 REB 127 & 22 REB 017. Motion carried unanimously.

Administrative Warnings

20 REB 108 – C.L.S. & B.H.H.M.R.

MOTION: Dennis Pierce moved, seconded by Cathy Lacy, to issue an Administrative Warning in the matter of C.L.S. & B.H.H.M.R., DLSC Case Number 20 REB 108. Motion carried unanimously.

23 REB 057– E.J.M. & E.L.

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to issue an Administrative Warning in the matter of E.J.M. & E.L., DLSC Case Number 23 REB 057. 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. 22 REB 091 – D.R.E.S. – Lack of Jurisdiction (L2)
2. 23 REB 117 – M.E. – Lack of Jurisdiction (L2)

Motion carried unanimously.

(Thomas Richie arrived at 10:52 a.m.)

Monitoring

***Steven McKenzie, Real Estate Broker
Requesting Full Licensure***

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to grant the request of Steven McKenzie, Real Estate Broker, for full licensure. Motion carried unanimously.

***Kevin Spencer, Real Estate Broker
Requesting Full Licensure***

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to grant the request of Kevin Spencer, Real Estate Broker, for full licensure. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

21 REB 018 – Austin D. Duerr

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to issue an Administrative Warning in the matter of Austin D. Duerr, DLSC Case Number 21 REB 018. Motion carried unanimously.

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

1. 20 REB 108 – Mario D. Hardwick
2. 21 REB 029 – Doug W. Noot
3. 21 REB 130 – Larry Ring
4. 22 REB 051 – Jeffrey Frost
5. 22 REB 091 – James M. Dooley

Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 11:30 a.m.

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

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

The meeting adjourned at 11:31 a.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: 1/12/24 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: 02/01/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 10:00 am Public Hearing on REEB 12 and 25, relating to Licensure and Continuing Education for Brokers and Salespersons. (Public hearing needs to take place before Administrative Rules discussion agenda item)									
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: The Board will hold a Public Hearing on this rule as required by the rulemaking process.											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"> 11) <i>Jake Pelegrin</i> </td> <td style="width: 40%; text-align: right; border-bottom: 1px solid black;"> Authorization 1/12/24 </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Signature of person making this request </td> <td style="text-align: right; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Supervisor (if required) </td> <td style="text-align: right; border-bottom: 1px solid black;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> <td style="text-align: right; border-bottom: 1px solid black;"> Date </td> </tr> </table>				11) <i>Jake Pelegrin</i>	Authorization 1/12/24	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
11) <i>Jake Pelegrin</i>	Authorization 1/12/24										
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 Hearing

The Real Estate Examining Board announces that it will hold a public hearing on the rule REEB 12 and 25, relating to License Renewal and Continuing Education for Real Estate Brokers and Salespersons, at the time and place shown below.

Hearing Information

Date: February 1, 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 rule 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, or by 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 email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING RULES
 : (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Real Estate Examining Board to repeal and recreate REEB 12.01 (3) (Note); amend REEB 12.01 (5), 12.017(3) (a) (intro.) and (d), 12.025 (2) and (3), 12.04 (1) (a), (2m) (b) 3., and (c) 4., 25.023 (2) (c) 1. to 10., (6) (d), (7) (d) (intro.), (7) (f) 1., (g) 1., and (g) 2., 25.028 (intro.), (1) (g), (2) (a) 3. e. to g., and i. to L., (d) 2. and 4.(intro.), (e) 2., and (i) 7., 25.033 (3) (h), (i), (8) (f) 5. and 6., and 11. to 14., (13) (b) 2., and 4. (intro.), and (17) (b), 25.055 (1) (c), and 25.068 (1) (a), (c) and (2) (k); and repeal REEB 25.023 (7) (h), (g) 1. (Note) and (g) 2. (Note), relating to license renewal and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 452.12, 452.132, 452.133, 452.136, Stats.

Statutory authority: ss. 15.08 (5) (b), 227.11 (2), 452.05 (2) (c), 452.05 (2) (d), 452.07 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that “The board shall 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 “[e]ach 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...”

Section 452.05 (2) (c), Stats., states that “[the board ... shall] After consultation with the council on real estate curriculum and examinations, promulgate rules establishing criteria for the approval of educational programs and training sessions under s. 452.09 (2) and approve such programs and sessions in accordance with the established criteria.”

Section 452.05 (2) (d), Stats., states that “[the board ... shall] After consultation with the council on real estate curriculum and examinations, brokers and salespersons licensed under this chapter, and interested members of the public, establish criteria for the approval of continuing educational programs and courses in real estate related subjects required for renewal under s. 452.12 (5) (c).”

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

Related statute or rule: Chapter REEB 17, ch. REEB 23, s. 452.132, Stats., s. 452.133, Stats., s. 452.136, Stats.

Plain language analysis: The objective of the proposed rule is to update and clarify provisions relating to original, renewal and expired real estate broker and salesperson licenses. Additionally, the rule seeks to update and clarify provisions relating to continuing education and requirements for real estate brokers and real estate salespersons.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of residential leasing agents and brokers in Illinois. Illinois requires an applicant for a broker’s license to be at least 18 years of age, graduated from high school or equivalent, complete 15 hours of specified education or be admitted to practice law in Illinois and pass an examination. An applicant for a managing broker’s license is required to be at least 20 years of age, graduated from high school or equivalent, complete 165 credit hours of specified education or be admitted to practice law in Illinois, be actively licensed for 2 of the last 3 years and pass an examination. An out of state applicant who holds a license in a state with standards substantially equivalent to Illinois is required to take an Illinois specific real estate brokerage laws exam. Illinois residential leasing agents, brokers, and managing brokers are required to complete 8, 12, and 18 hours of continuing education, respectively during their term. Reciprocity is granted to brokers and managing brokers who hold an active managing broker license, or its equivalent, by examination in a state with a reciprocal agreement with the Department, the broker has been actively engaged in licensed activities as a broker during the preceding 2 years in the state of licensure, and the broker’s licensing standards are substantially equivalent to or greater than the minimum standards in Illinois [225 ILCS 454].

Iowa: The Iowa Real Estate Commission is responsible for the licensure and regulation of real estate salespeople and brokers in Iowa. Iowa requires an applicant for a salesperson’s license to be at least 18 years of age, complete 96 hours of specified education and pass an examination. An applicant for a broker’s license is required to complete 60 hours of live instruction in addition to the required salesperson’s education,

have engaged in real estate practice for a period of at least 24 months and pass an examination. Iowa licensees shall complete 36 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers [IA 193E-3.1-193E5.12 (543B)].

Michigan: The Michigan Department of Licensing and Regulatory Affairs is responsible for the licensure and regulation of real estate salespersons and brokers in Michigan. Michigan requires an applicant for a salesperson's license to complete 40 hours of education and pass an examination. An applicant for a broker's license must complete 90 hours of education (a law degree counts towards 60 hours and a master's degree in business administration counts as 60 hours of education, respectively), have real estate experience and pass an examination. Michigan real estate salespersons and brokers must complete 18 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers [MCL 339.2502-339.2514].

Minnesota: The Minnesota Department of Commerce is responsible for the licensure and regulation of real estate salespersons and brokers in Minnesota. Minnesota requires an applicant for a real estate salesperson to be at least 18 years of age, complete 30 hours of instruction prior to passing an examination and an additional 60 hours of education after passing the examination. An applicant for a broker's license is required to complete 30 hours of education and 3 years of experience as a licensed salesperson. All real estate salespersons and brokers are required to complete 30 hours of real estate continuing education during the licensing period and each successive 24-month period. Real estate salespersons and brokers seeking license reciprocity with the State of Minnesota may be granted provided (1) there is a written reciprocal licensing agreement in effect between the commissioner and the licensing officials of that jurisdiction, (2) the individual is licensed and in good standing in that jurisdiction, and (3) the licensing requirements of that jurisdiction are substantially similar to existing Minnesota provisions [Minnesota Statutes 2022, section 82].

Summary of factual data and analytical methodologies: The proposed rule was developed by conducting a comprehensive review of the provisions of ch. REEB 12 and 25, reviewing real estate broker provisions from surrounding states, updating language to correspond with statutory references, and obtaining input and feedback from the Real Estate Examining Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis: The proposed rules were posted for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis: The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business: These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. REEB 12.01 (3) (Note) is repealed and recreated to read:

REEB 12.01 (3) Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 2. REEB 12.01 (5) is amended to read:

REEB 12.01 (5) PREVIOUSLY LICENSED BROKERS AND SALESPERSONS. No action shall be taken on any new application of an applicant who has previously been licensed by the board until the applicant furnishes sufficient proof to the board that the applicant has not acted as a salesperson or broker since the expiration of ~~his or her~~ the applicant's license. The board may in its discretion waive this requirement.

SECTION 3. REEB 12.017 (3) (a) (intro.) and (d) are amended to read:

REEB 12.017 (3) (a) (intro.) Each individual applicant for a real estate broker's license shall submit evidence satisfactory to the board that the applicant has practiced as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of the application. Except as provided in pars. (b) to (d), the evidence shall demonstrates that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:

12.017 (3) (d) Except as provided in a reciprocal agreement under s. 452.05 (3), Stats., A nonresident applicant may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant's application.

SECTION 4. REEB 12.025 (2) and (3) are amended to read:

REEB 12.025 (2) REVIEW. All applicants who obtain a failing ~~grade~~ score shall receive a report detailing the results of the applicant's examination in the major content areas of the examination.

12.025 (3) CHEATING ON EXAMINATION. An applicant may not give or receive unauthorized assistance during an examination, violate the rules of conduct of the examination, or otherwise act dishonestly. The action taken by the board for a violation of this section shall be related to the seriousness of the offense. An action may include withholding the score of the applicant, entering a failing ~~grade~~ score for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination at which the conduct occurred.

SECTION 5. REEB 12.04 (1) (a), (2m) (b) 3., and (c) 4. are amended to read:

REEB 12.04 (1) (a) If a licensee renews ~~his or her~~ their real estate license less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., the licensee shall pay the applicable renewal fee and late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., during the biennium preceding the date of renewal of the license.

12.04 (2m) (b) 3. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. ~~and~~ or c. meets the continuing education requirement.

(c) 4. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. ~~and~~ or c. meets the continuing education requirement.

SECTION 6. REEB 25.023 (2) (c) 1. to 10., (6) (d) and (7) (d) (intro.) are amended to read:

REEB 25.023 (2) (c) 1. Listing ~~eontraet~~ contracts for sale.

2. ~~Offer~~ Offers.

3. ~~Counteroffer~~ Counter-offers.

4. ~~Amendment~~ Amendments.

5. Buyer agency ~~agreement~~ agreements.

6. Listing ~~eontraet~~ contracts for lease.

- 7. ~~Option~~ Options.
- 8. ~~Bill~~ Bills of sale.
- 9. ~~Exchange~~ Exchanges.
- 10. Cancellation agreement and mutual ~~release~~ releases.

REEB 25.023 (6) (d) Licensure and supervision of ~~employees~~ licensees associated with a firm under s. 452.132, Stats., and ch. REEB 17.

REEB 25.023 (7) (d) (intro.) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133., Stats., including all of the following:

SECTION 7. REEB 25.023 (7) (h) is repealed.

SECTION 8. REEB 25.023 (7) (f) 1. And (g) 1. are amended to read:

REEB 25.023 (7) (f) 1. Negotiations through a listing ~~broker~~ firm under s. REEB 24.13 (5).

REEB 25.023 (7) (g) 1. Licensee supervision under s. ~~REEB 17.08~~ 452.132, Stats.

SECTION 9. REEB 25.023 (7) (g) 1. (Note) is repealed.

SECTION 10. REEB 25.023 (7) (g) 2. is amended to read:

REEB 25.023 (7) (g) 2. Office supervision under s. ~~REEB 17.08~~ 452.132, Stats.

SECTION 11. REEB 25.023 (7) (g) 2. (Note) is repealed.

SECTION 12. REEB 25.028 (intro.), (1) (g), (2) (a) 3. e. to g., and i. to L., (d) 2. and 4. (intro.), (e) 2., and (i) 7. are amended to read:

REEB 25.028 (intro.) Nonresident broker education equivalency. An applicant who has held an active real estate broker's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate broker's license in this state is deemed to have met the equivalency to the business management and salesperson program education based upon ~~his or her~~ the applicant's education required to obtain a license in the other licensing jurisdiction and the completion of Wisconsin specific education consisting of all of the following:

25.028 (1) (g) Licensees associated with a firm under ch. REEB 17 and s. 452.132., Stats.

25.028 (2) (a) 3. e. ~~Counter offers~~ Counter-offers.

f. Multiple ~~counter proposals~~ counter-proposals.

g. ~~Amendment~~ Amendments.

25.028 (2) (a) 3. i. ~~Option~~ Options.

j. ~~Bill~~ Bills of sale.

k. ~~Exchange~~ Exchanges.

L. Cancellation agreement and mutual ~~release~~ releases.

25.028 (2) (d) 2. Advertising under s. REEB 24.04 and s. 452.136., Stats.

25.028 (2) (d) 4. (intro.) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133, Stats., including all of the following:

25.028 (2) (e) 2. Inquiry by listing ~~broker~~ licensee under s. REEB 24.07 (1) (b).

25.028 (2) (i) 7. Licensure and supervision of ~~employees~~ licensees associated with firm under ch. REEB 17 and s. 452.132, Stats.

SECTION 13. REEB 25.033 (3) (h) and (i), (8) (f) 5. and 6., and 11. to 14., (13) (b) 2., and 4. (intro.), and (17) (b) are amended to read:

REEB 25.033 (3) (h) ~~Broker-to-broker~~ Firm-to-firm relationships.

(i) ~~Sales associate-to-sales associate~~ Licensee-to-licensee relationships.

25.033 (8) (f) 5. ~~Counter-offers~~ Counter-offers.

6. Multiple ~~counter-proposals~~ counter-proposals.

25.033 (8) (f) 11. Cancellation agreement and mutual ~~release agreements~~ releases.

12. ~~Option~~ Options.

13. ~~Bill~~ Bills of sale.

14. ~~Exchange~~ Exchanges.

25.033 (13) (b) 2. Advertising under s. REEB 24.04 and s. 452.136, Stats.

25.033 (13) (b) 4. (intro.) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133, Stats., including all of the following:

25.033 (17) (b) The ~~master~~ comprehensive plan.

SECTION 14. REEB 25.038 (intro.), (1) (c) 5. to 7., and 9. to 12., and (4) (b) and (d), are amended to read:

REEB 25.038 (intro). Nonresident salesperson education equivalency. An applicant who has held an active real estate salesperson's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate salesperson's license in this state is deemed to have met the equivalency to the salesperson program education based upon ~~his or her~~ the applicant's education required to obtain a license in the other licensing jurisdiction and completion of Wisconsin specific education consisting of 13 hours and containing the following content:

- ~~25.038 (1) (c) 5. Counter offers~~ Counter-offers.
- ~~6. Multiple counter proposals~~ counter-proposals.
- ~~7. Amendment~~ Amendments.

~~25.038 (1) (c) 9. Option~~ Options.

- ~~10. Bill~~ Bills of sale.
- ~~11. Exchange~~ Exchanges.
- ~~12. Cancellation agreement and mutual release~~ releases.

25.038 (4) (b) Advertising under s. REEB 24.04 and s. 452.136, Stats.

25.038 (4) (d) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133, Stats., including all of the following:

SECTION 15. REEB 25.055 (1) (c) is amended to read:

REEB 25.055 (1) (c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation ~~as defined in s. 111.32 (13m), Stats.,~~ handicap, disability, religion, age, ~~physical disability~~ or national origin in its education program or courses.

SECTION 16. REEB 25.068 (1) (a), (c) and (2) (k) are amended to read:

REEB 25.068 (1) (a) A school or organization shall conduct an examination at the end of each continuing education program or course consisting of at least ~~15~~ 5 multiple-choice questions for each hour of the continuing education program or course. The passing score shall be no less than 70%, unless the school or organization provides substantial justification to the board for a lower score and the board approves the lower passing score. A school or organization may not count examination time as part of the number of hours of the program or course.

25.068 (1) (c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation ~~as defined in s. 111.32 (13m), Stats.,~~ handicap, disability, religion, age, ~~physical disability~~ or national origin, in its education program or courses.

25.068 (1) (2) (k) A minimum of ~~15~~ 5 multiple-choice questions for each hour of the continuing education program or course, the answer to each question, the portion of the course outline to which the question relates and the passing score for the examination. The questions shall comply with reasonable standards of test development and relate to the substantive contents of the continuing education program or course.

SECTION 17. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 12/29/23
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) REEB 12 and 25 (Permanent Rule)	
4. Subject License Renewal and Continuing Education for real estate brokers and salespersons	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$N/A	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule To update and clarify provisions relating to original, renewal and expired real estate broker and salesperson licenses, and to update and clarify provisions relating to continuing education and requirements for real estate brokers and real estate salespersons.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule will be posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$10,600 in one-time costs and \$6,800 in annual costs for staffing and an indeterminate IT impact to implement the rule. The estimated one-time staffing need for 0.3 limited term employee (LTE) is for form and site updates, staff training, and resource development. The estimated annual staffing need for 0.1 full time employee (FTE) is for legal investigations, processing of records requests, license monitoring, and board meetings. The one-time and annual estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits are to provide code language that is more clear and specific pertaining to licensure for real estate brokers and salespersons.	
16. Long Range Implications of Implementing the Rule The long range implications of implementing this rule are clear rules for licensure and continuing education for real estate brokers and salespersons.	
17. Compare With Approaches Being Used by Federal Government	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

N/A

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of residential leasing agents and brokers in Illinois. Illinois requires an applicant for a broker's license to be at least 18 years of age, graduated from high school or equivalent, complete 15 hours of specified education or be admitted to practice law in Illinois and pass an examination. An applicant for a managing broker's license is required to be at least 20 years of age, graduated from high school or equivalent, complete 165 credit hours of specified education or be admitted to practice law in Illinois, be actively licensed for 2 of the last 3 years and pass an examination. An out of state applicant who holds a license in a state with standards substantially equivalent to Illinois is required to take an Illinois specific real estate brokerage laws exam. Illinois residential leasing agents, brokers, and managing brokers are required to complete 8, 12, and 18 hours of continuing education, respectively during their term. Reciprocity is granted to brokers and managing brokers who hold an active managing broker license, or its equivalent, by examination in a state with a reciprocal agreement with the Department, the broker has been actively engaged in licensed activities as a broker during the preceding 2 years in the state of licensure, and the broker's licensing standards are substantially equivalent to or greater than the minimum standards in Illinois. [225 ILCS 454].

Iowa: The Iowa Real Estate Commission is responsible for the licensure and regulation of real estate salespeople and brokers in Iowa. Iowa requires an applicant for a salesperson's license to be at least 18 years of age, complete 96 hours of specified education and pass an examination. An applicant for a broker's license is required to complete 60 hours of live instruction in addition to the required salesperson's education, have engaged in real estate practice for a period of at least 24 months and pass an examination. Iowa licensees shall complete 36 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers. [IA 193E-3.1-193E5.12 (543B)]

Michigan: The Michigan Department of Licensing and Regulatory Affairs is responsible for the licensure and regulation of real estate salespersons and brokers in Michigan. Michigan requires an applicant for a salesperson's license to complete 40 hours of education and pass an examination. An applicant for a broker's license must complete 90 hours of education (a law degree counts towards 60 hours and a master's degree in business administration counts as 60 hours of education, respectively), have real estate experience and pass an examination. Michigan real estate salespersons and brokers must complete 18 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers. [MCL 339.2502-339.2514].

Minnesota: The Minnesota Department of Commerce is responsible for the licensure and regulation of real estate salespersons and brokers in Minnesota. Minnesota requires an applicant for a real estate salesperson to be at least 18 years of age, complete 30 hours of instruction prior to passing an examination and an additional 60 hours of education after passing the examination. An applicant for a broker's license is required to complete 30 hours of education and 3 years of experience as a licensed salesperson. All real estate salespersons and brokers are required to complete 30 hours of real estate continuing education during the licensing period and each successive 24-month period. Real estate salespersons and brokers seeking license reciprocity with the State of Minnesota may be granted provided (1) there is a written reciprocal licensing agreement in effect between the commissioner and the licensing officials of that jurisdiction, (2) the individual is licensed and in good standing in that jurisdiction, and (3) the licensing requirements of that jurisdiction are substantially similar to existing Minnesota provisions. [Minnesota Statutes 2022, section 82]

19. Contact Name	20. Contact Phone Number
Jake Pelegrin, Administrative Rules Coordinator	608-267-0989

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

REAL ESTATE EXAMINING BOARD
2024 Meeting dates

Meeting Date		<i>Start time</i>	Agenda item deadline
Thursday, February 1, 2024	Virtual	<i>10:00 AM</i>	1/22/2024
Thursday, April 11, 2024	Virtual	<i>10:00 AM</i>	4/1/2024
Thursday, June 13, 2024	Virtual	<i>10:00 AM</i>	6/3/2024
Thursday, August 15, 2024	In person	<i>10:00 AM</i>	8/5/2024
Thursday, October 17, 2024	In Person	<i>10:00 AM</i>	10/7/2024
Thursday, December 5, 2024	Virtual	<i>10:00 AM</i>	11/22/2024

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/14/2023	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2024	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Board SharePoint Site: https://dsps.boards.wisconsin.gov/			
<p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 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. Timely notification is appreciated as a quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. Should several members of a body do so, the members 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 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Per Diem and Reimbursement Claims: 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 Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: the member must leave home before 6:00 am to attend a meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting it is their responsibility to cancel their reservation 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 the event of inclement weather, the DSPS may change a meeting from an in-person venue to hosted as virtual/teleconference only. 			
11) <i>Brenda Taylor</i>		Authorization <i>12/14/2023</i>	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Board Administration Specialist 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 Department website.

Agenda Item Examples:

- Approval of the Agenda and previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - 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 Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by 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 decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. 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

NAME OF EXAMINING BOARD OR COUNCIL EXAMPLE EXAMINING BOARD			BOARD OR COUNCIL MEMBER'S NAME MARY SUNSHINE	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned 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.			<div style="text-align: center; font-size: 2em; color: #ff9900;">↓</div>	
<i>Mary Sunshine</i> Claimant's Signature		1/4/2021 Date		
			Supervisor	Date

EMPL ID: 100012345-0

To be completed by Department staff: TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00

REAL ESTATE EXAMINING BOARD

Elections as of 12/31/2023

ELECTION RESULTS	
Chairperson	Thomas Richie
Vice Chairperson	Elizabeth Lauer
Secretary	Dennis Pierce

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Elizabeth Lauer <i>Alternate: Thomas Richie</i>
Education and Examinations Liaison(s)	Cathy Lacy <i>Alternate: Sonya Mays</i>
Monitoring Liaison(s)	Elizabeth Lauer <i>Alternate: Jeffery Berry</i>
Professional Assistance Procedure (PAP) Liaison(s)	Gurmit Kaleka <i>Alternate: Dennis Pierce</i>
Legislative Liaison(s)	Sonya Mays, Thomas Richie
Travel Authorization Liaison(s)	Dennis Pierce <i>Alternate: Elizabeth Lauer</i>
Newsletter Liaison(s)	Sonya Mays, Thomas Richie
Website Liaison(s)	Cathy Lacy <i>Alternate: Gurmit Kaleka</i>
COMMITTEE MEMBER APPOINTMENTS	
Real Estate Contractual Forms Advisory Committee Chairperson	Sonya Mays
Council on Real Estate Curriculum and Examination Representative	Elizabeth Lauer
SCREENING PANEL	
Screening Panel Team 1	Dennis Pierce, Thomas Richie, Jeffery Berry
Screening Panel Team 2	Sonya Mays, Elizabeth Lauer
Screening Panel Team 3	Gurmit Kaleka, Cathy Lacy



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 9, 2024

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

Credentialing Delegations

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed

by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Monitoring Delegations

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

Education and Exam Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make

these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

Miscellaneous Delegations

Document Signature

MOTION EXAMPLE: to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION EXAMPLE: in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel

Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review. (Except PHM, MED)

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. **The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.**
13. **The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.**

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval. (Except for MED)
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
-

Updated 03/13/2023

2022 Roles & Authorities

REAL ESTATE EXAMINING BOARD
2023 DELEGATIONS

Delegation of Authorities

Document Signature Delegations

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Cathy Lacy moved, seconded by Thomas Richie, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Cathy Lacy moved, seconded by Sonya Mays, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation

of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the February 2, 2023 agenda materials on pages 19-21. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to the Department Attorneys to make decisions regarding predetermination

applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of real estate. Motion carried unanimously.

Delegation to DSPS When Applicant's Discipline History Has Been Previously Reviewed

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous real estate credential and there is no new discipline. Motion carried unanimously.

Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous real estate credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Sonya Mays moved, seconded by Cathy Lacy, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Delegation for Felony Bar Denials to DSPS Attorneys

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to the DSPS attorneys to review and make legal determinations for applications involving a felony conviction, pursuant to Wis. Stat. § 452.25. Motion carried unanimously.

Pre-Screening Delegations

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate to the screening attorney the authority to close cases that do not clearly present a provable violation and cases that do not merit review by the full panel to the screening attorney. Cases that the screening attorney has the authority to close include cases where there is a lack of jurisdiction, where the Board has already taken action on the matter (duplicate case, Board has taken action in regard to the credential holder that addressed the conduct and further action is unnecessary), cases where there is no legal violation of the statutes/regulations, or cases where there is not enough evidence to prove a violation and additional investigation will not yield a different result. The screening attorney is also delegated the authority to immediately open any case where they believe there is an immediate risk of harm, the materials on their face warrant discipline (such as failure to respond), or cases that have a provable violation that do not need the full panel to determine. Motion carried unanimously.

Voluntary Surrenders

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

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

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Sonya Mays moved, seconded by Cathy Lacy, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Cathy Lacy moved, seconded by Sonya Mays, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Newsletter Liaison(s) Delegation

MOTION: Sonya Mays moved, seconded by Cathy Lacy, to delegate authority to the newsletter liaison(s) to handle all matters relating to newsletters or digests. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Sonya Mays moved, seconded by Cathy Lacy, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Tom Richie, Chair		2) Date When Request Submitted: 1/25/2024 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 Examining Board			
4) Meeting Date: 02/01/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion and Consideration of AB 918	
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: N/A	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Will Johnson</i>		<i>01/25/2024</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



2023 ASSEMBLY BILL 918

January 5, 2024 - Introduced by Representatives KRUG, ALLEN, BROOKS, DALLMAN, MURPHY, O'CONNOR and ORTIZ-VELEZ, cosponsored by Senators JAGLER, AGARD and FEYEN. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to renumber* 452.14 (2); *to renumber and amend* 452.14 (4m) (a); *to*
2 *amend* 452.01 (5g), 452.14 (4r), 452.17 (1), 452.17 (3), 452.19 (1), 452.23 (title)
3 and 452.23 (4); *to repeal and recreate* 452.23 (3); and *to create* 452.07 (4),
4 452.12 (5) (e), 452.14 (2) (b), 452.14 (2) (c), 452.14 (3) (im), 452.14 (4m) (a) 1.,
5 452.23 (5) and 710.13 of the statutes; **relating to:** various changes regarding
6 the laws governing real estate practice, disclosures regarding real property
7 wholesalers, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill 1) revises the law governing the practice of real estate by real estate brokers and salespersons (real estate practice law) and 2) requires real property wholesalers to provide certain disclosures to other parties involved in residential real property transactions.

CHANGES REGARDING REAL ESTATE PRACTICE LAW

Current law regulates the practice of real estate, which can only be practiced by real estate brokers and real estate salespersons. Real estate brokers and salespersons (licensees) are licensed by the Real Estate Examining Board, which is attached to the Department of Safety and Professional Services. A real estate broker's license may be issued to either an individual or a business entity. The bill makes various changes to real estate practice law, described in further detail as follows:

ASSEMBLY BILL 918***Disclosures***

Current law imposes on a real estate firm providing brokerage services to a party to a transaction the duty to timely disclose in writing all material adverse facts that the firm knows and that the party does not know or cannot discover through reasonably vigilant observation, unless the disclosure of a material adverse fact is prohibited by law. The law defines both “adverse fact” and “material adverse fact.” Furthermore, each licensee associated with a firm owes the same duties to a party that the firm owes to that party. Separately, current law contains a requirement that a licensee disclose to the parties to a real estate transaction any facts known by the licensee that contradict any information included in a written real estate condition report. Current law further contains a list of specific types of information that a licensee is not required to disclose.

The bill 1) harmonizes the disclosure requirement and the duty described above; 2) clarifies that the “material adverse facts” that licensees have the duty to disclose do not include anything on the list of specified types of information that current law provides are exempt from needing to be disclosed; 3) prohibits the board from promulgating rules that conflict with these provisions or that mandate additional disclosures; and 4) provides that a licensee that in good faith provides information attributable to a state or local governmental or quasi-governmental entity may not be held civilly liable if that information is subsequently determined to be inaccurate.

Discipline and licenses

The bill makes various changes pertaining to the discipline of licensees, including the following:

1. The bill requires the board to notify a real estate brokerage firm in writing as to all investigations and disciplinary proceedings and actions that are related to a licensee associated with that firm, including the contents of any administrative warning issued by the board. The bill also provides that if an application for renewal of a license issued to a licensee who is associated with a firm is not filed with the board on or before the renewal date or if the renewal is not granted, DSPS must notify the firm.

2. The bill expressly provides that a real estate brokerage firm is not responsible for ensuring compliance with, or for the monitoring of, any license limitations set forth by the board of a broker or salesperson associated with that firm.

3. Current law contains a list of prohibitions, violations of which subject a licensee to professional discipline. Current law further allows the board to assess a forfeiture of not more than \$1,000 for such violations. The bill raises the maximum forfeiture that the board may assess for a number of these violations to \$5,000.

Criminal penalties

Under current law, any person who engages in or follows the business or occupation of, or advertises or holds himself or herself out as or acts temporarily or otherwise as, a broker or salesperson in this state without a license or who otherwise violates the real estate practice law may be fined not more than \$1,000 or imprisoned for not more than six months or both. The bill raises the maximum criminal fine for violations to \$5,000. The bill does not affect the maximum term of imprisonment.

ASSEMBLY BILL 918**DISCLOSURES REGARDING REAL PROPERTY WHOLESALERS**

The bill requires a real property wholesaler to provide certain disclosures to other parties involved in a real property transaction. Under the bill, “real property wholesaler” is defined as a person that enters into a purchase agreement as a buyer and intends to sell the person’s rights as buyer to a third party, and “purchase agreement” is defined as a contract for the sale, exchange, option, rental, or purchase of residential real property that includes one to four dwelling units.

The bill requires a real property wholesaler, no later than entering into a purchase agreement as a buyer, to provide written notice to the seller that the buyer is a real property wholesaler. Under the bill, if the real property wholesaler fails to provide the notice, the seller may rescind the purchase agreement at any time before the closing and retain any deposits or option fees paid by the real property wholesaler.

In addition, if the real property wholesaler contracts to sell its interest in the purchase agreement to a third party, the bill requires the real property wholesaler, no later than entering into the contract, to provide written notice to the third party that the real property wholesaler is a real property wholesaler that holds an equitable interest in the property as a buyer under the purchase agreement and that the real property wholesaler is conveying its interest in the purchase agreement, not title to the property. Under the bill, if the real property wholesaler fails to provide the notice, the third party may rescind the contract at any time before the closing and is entitled to the return of any deposits or option fees paid by the third party.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

Because this bill may increase or decrease, directly or indirectly, the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 452.01 (5g) of the statutes is amended to read:
- 2 452.01 **(5g)** “Material adverse fact” means an adverse fact that a party
- 3 indicates is of such significance, or that is generally recognized by a competent
- 4 licensee as being of such significance to a reasonable party, that it affects or would
- 5 affect the party’s decision to enter into a contract or agreement concerning a
- 6 transaction or affects or would affect the party’s decision about the terms of such a

ASSEMBLY BILL 918**SECTION 1**

1 contract or agreement. “Material adverse fact” does not include anything specified
2 in s. 452.23 (2) (a), (c), or (d).

3 **SECTION 2.** 452.07 (4) of the statutes is created to read:

4 452.07 (4) The board may not promulgate rules regarding disclosures by
5 brokers or salespersons that conflict with s. 452.23 or that require disclosures beyond
6 what is required under s. 452.23.

7 **SECTION 3.** 452.12 (5) (e) of the statutes is created to read:

8 452.12 (5) (e) If an application for renewal of a license issued to a licensee who
9 is associated with a firm is not filed with the board on or before the renewal date or
10 if the renewal is not granted, the department shall notify the firm with which the
11 licensee is associated.

12 **SECTION 4.** 452.14 (2) of the statutes is renumbered 452.14 (2) (a).

13 **SECTION 5.** 452.14 (2) (b) of the statutes is created to read:

14 452.14 (2) (b) The board shall notify a firm in writing as to all investigations
15 and disciplinary proceedings and actions that are related to a licensee associated
16 with the firm. Notwithstanding s. 440.205, a notice shall include the contents of any
17 administrative warning issued under s. 440.205. A notice shall be made to the
18 mailing address of the firm and to the email address of the individual broker acting
19 as a sole proprietor or the email address for the licensed business entity.

20 **SECTION 6.** 452.14 (2) (c) of the statutes is created to read:

21 452.14 (2) (c) A firm is not responsible for ensuring compliance with, or for the
22 monitoring of, any license limitations set forth by the board of a licensee associated
23 with the firm.

24 **SECTION 7.** 452.14 (3) (im) of the statutes is created to read:

25 452.14 (3) (im) Violated s. 710.13 (2).

ASSEMBLY BILL 918

1 **SECTION 8.** 452.14 (4m) (a) of the statutes is renumbered 452.14 (4m) (a) (intro.)
2 and amended to read:

3 452.14 (**4m**) (a) (intro.) Assess a forfeiture against a licensee ~~a~~ as follows:
4 2. A forfeiture of not more than \$1,000 for each violation enumerated under
5 sub. (3) that is not enumerated under subd. 1.

6 **SECTION 9.** 452.14 (4m) (a) 1. of the statutes is created to read:
7 452.14 (**4m**) (a) 1. A forfeiture of not more than \$5,000 for each violation
8 enumerated under sub. (3) (a), (b), (c), (d), (f), (h), (i), (im), (j), (jm), (k), or (n).

9 **SECTION 10.** 452.14 (4r) of the statutes is amended to read:
10 452.14 (**4r**) The board may assess against a licensee who is an individual a
11 forfeiture of ~~\$1,000~~ \$5,000 for a violation under s. 452.25 (2) (a).

12 **SECTION 11.** 452.17 (1) of the statutes is amended to read:
13 452.17 (**1**) Any person who engages in or follows the business or occupation of,
14 or advertises or holds himself or herself out as or acts temporarily or otherwise as,
15 a broker or salesperson in this state without a license under this chapter shall be
16 prosecuted by the district attorney in the county where the violation occurs or by the
17 attorney general and may be fined not more than ~~\$1,000~~ \$5,000 or imprisoned not
18 more than 6 months or both.

19 **SECTION 12.** 452.17 (3) of the statutes is amended to read:
20 452.17 (**3**) Any person who otherwise violates any provision of this chapter may
21 be fined not more than ~~\$1,000~~ \$5,000 or imprisoned for not more than 6 months or
22 both.

23 **SECTION 13.** 452.19 (1) of the statutes is amended to read:
24 452.19 (**1**) No licensee may pay a fee or a commission or any part thereof for
25 performing any act specified in this chapter or as compensation for a referral or as

ASSEMBLY BILL 918**SECTION 13**

1 a finder's fee to any person who is not licensed under this chapter or who is not
2 regularly and lawfully engaged in the real estate brokerage business in another
3 state, a territory or possession of the United States, or a foreign country, unless the
4 person was licensed under this chapter when the commission was earned or when
5 the referral fee arrangement was made.

6 **SECTION 14.** 452.23 (title) of the statutes is amended to read:

7 **452.23 (title) Disclosures, investigations and inspections by brokers**
8 **and salespersons.**

9 **SECTION 15.** 452.23 (3) of the statutes is repealed and recreated to read:

10 452.23 (3) (a) A licensee shall, except as provided in par. (b), disclose in writing
11 to a party to a real estate transaction all material adverse facts known by the licensee
12 that the party does not know or cannot discover through reasonably vigilant
13 observation.

14 (b) Paragraph (a) does not require the disclosure of a material adverse fact to
15 a party if any of the following applies:

16 1. The material adverse fact is addressed in a written report described under
17 sub. (2) (b).

18 2. The material adverse fact has otherwise been disclosed to the party in
19 writing.

20 3. Disclosure of the material adverse fact is prohibited by law.

21 **SECTION 16.** 452.23 (4) of the statutes is amended to read:

22 452.23 (4) In performing an ~~investigation or~~ inspection and in making a
23 disclosure in connection with a real estate transaction, a licensee shall exercise the
24 degree of care expected to be exercised by a reasonably prudent person who has the
25 knowledge, skills, and training required for licensure under this chapter.

ASSEMBLY BILL 918

1 **SECTION 17.** 452.23 (5) of the statutes is created to read:

2 452.23 (5) A licensee that in good faith provides information attributable to a
3 state or local governmental or quasi-governmental entity, including an agency,
4 department, board, commission, bureau, or division, or a military or public safety
5 organization, may not be held civilly liable if that information is subsequently
6 determined to be inaccurate. For the purpose of any proceeding, the good faith shall
7 be presumed.

8 **SECTION 18.** 710.13 of the statutes is created to read:

9 **710.13 Disclosures regarding real property wholesalers. (1)**

10 DEFINITIONS. (a) “Purchase agreement” means a contract for the sale, exchange,
11 option, rental, or purchase of residential real property.

12 (b) “Real property wholesaler” means a person that enters into a purchase
13 agreement as a buyer and intends to assign the person’s rights as buyer under the
14 purchase agreement to a 3rd party for consideration.

15 (c) “Residential real property” means real property in this state that includes
16 one to 4 dwelling units, as defined in s. 101.61 (1).

17 **(2) REQUIRED DISCLOSURES.** A real property wholesaler shall provide all of the
18 following disclosures:

19 (a) No later than entering into a purchase agreement as a buyer, written notice
20 to the seller of the residential real property that the buyer is a real property
21 wholesaler.

22 (b) No later than entering into a contract with a 3rd party to assign the real
23 property wholesaler’s rights as buyer under a purchase agreement to the 3rd party,
24 written notice to the 3rd party that the assignor is a real property wholesaler that
25 holds an equitable interest in the residential real property as a buyer under the

ASSEMBLY BILL 918**SECTION 18**

1 purchase agreement and that the assignor is conveying the assignor's interest in the
2 purchase agreement, not title to the residential real property.

3 **(3) RIGHTS TO RESCIND.** (a) If a real property wholesaler fails to timely provide
4 the disclosure to a seller as required under sub. (2) (a), the seller may rescind the
5 purchase agreement at any time before the closing, without any liability on the
6 seller's part, by providing written notice of rescission to the real property wholesaler,
7 and the seller is entitled to retain any deposits or option fees paid by the real property
8 wholesaler in connection with the transaction.

9 (b) If a real property wholesaler fails to timely provide the disclosure to a 3rd
10 party assignee as required under sub. (2) (b), the assignee may rescind the
11 assignment of the purchase agreement at any time before the closing, without any
12 liability on the assignee's part, by providing written notice of rescission to the real
13 property wholesaler, and the assignee is entitled to the return of any deposits or
14 option fees paid by the assignee in connection with the transaction.

15 **(4) WAIVER PROHIBITED.** A person may not waive the person's rights under this
16 section. If the person proceeds to closing, the person's right to rescind under sub. (3)
17 is terminated.

18 **SECTION 19. Initial applicability.**

19 (1) **DISCLOSURES REGARDING REAL PROPERTY WHOLESALERS.** The treatment of s.
20 710.13 first applies to a purchase agreement or an assignment of a purchase
21 agreement entered into on the effective date of this subsection.

22 **(END)**

**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: 1/12/24 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: 2/01/24	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. REEB 12 and 25 - Discussion of Clearinghouse Report comments and comments from the public hearing 2. 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 -Clearinghouse Report on REEB 12 and 25 (this will be submitted as a late agenda item with approval) -Rule Draft of REEB 12 and 25 -Motions for the Board today																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">11)</td> <td style="width: 60%; text-align: center;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"><i>Jake Pelegrin</i></td> <td style="text-align: right;">1/12/24</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Signature of person making this request</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Supervisor (if required)</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-top: 1px solid black; text-align: right;">Date</td> </tr> </table>				11)	Authorization			<i>Jake Pelegrin</i>	1/12/24	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
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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.																		

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Real Estate Examining Board to repeal and recreate REEB 12.01 (3) (Note); amend REEB 12.01 (5), 12.017(3) (a) (intro.) and (d), 12.025 (2) and (3), 12.04 (1) (a), (2m) (b) 3., and (c) 4., 25.023 (2) (c) 1. to 10., (6) (d), (7) (d) (intro.), (7) (f) 1., (g) 1., and (g) 2., 25.028 (intro.), (1) (g), (2) (a) 3. e. to g., and i. to L., (d) 2. and 4.(intro.), (e) 2., and (i) 7., 25.033 (3) (h), (i), (8) (f) 5. and 6., and 11. to 14., (13) (b) 2., and 4. (intro.), and (17) (b), 25.055 (1) (c), and 25.068 (1) (a), (c) and (2) (k); and repeal REEB 25.023 (7) (h), (g) 1. (Note) and (g) 2. (Note), relating to license renewal and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 452.12, 452.132, 452.133, 452.136, Stats.

Statutory authority: ss. 15.08 (5) (b), 227.11 (2), 452.05 (2) (c), 452.05 (2) (d), 452.07 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that “The board shall 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 “[e]ach 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...”

Section 452.05 (2) (c), Stats., states that “[the board ... shall] After consultation with the council on real estate curriculum and examinations, promulgate rules establishing criteria for the approval of educational programs and training sessions under s. 452.09 (2) and approve such programs and sessions in accordance with the established criteria.”

Section 452.05 (2) (d), Stats., states that “[the board ... shall] After consultation with the council on real estate curriculum and examinations, brokers and salespersons licensed under this chapter, and interested members of the public, establish criteria for the approval of continuing educational programs and courses in real estate related subjects required for renewal under s. 452.12 (5) (c).”

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

Related statute or rule: Chapter REEB 17, ch. REEB 23, s. 452.132, Stats., s. 452.133, Stats., s. 452.136, Stats.

Plain language analysis: The objective of the proposed rule is to update and clarify provisions relating to original, renewal and expired real estate broker and salesperson licenses. Additionally, the rule seeks to update and clarify provisions relating to continuing education and requirements for real estate brokers and real estate salespersons.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of residential leasing agents and brokers in Illinois. Illinois requires an applicant for a broker’s license to be at least 18 years of age, graduated from high school or equivalent, complete 15 hours of specified education or be admitted to practice law in Illinois and pass an examination. An applicant for a managing broker’s license is required to be at least 20 years of age, graduated from high school or equivalent, complete 165 credit hours of specified education or be admitted to practice law in Illinois, be actively licensed for 2 of the last 3 years and pass an examination. An out of state applicant who holds a license in a state with standards substantially equivalent to Illinois is required to take an Illinois specific real estate brokerage laws exam. Illinois residential leasing agents, brokers, and managing brokers are required to complete 8, 12, and 18 hours of continuing education, respectively during their term. Reciprocity is granted to brokers and managing brokers who hold an active managing broker license, or its equivalent, by examination in a state with a reciprocal agreement with the Department, the broker has been actively engaged in licensed activities as a broker during the preceding 2 years in the state of licensure, and the broker’s licensing standards are substantially equivalent to or greater than the minimum standards in Illinois [225 ILCS 454].

Iowa: The Iowa Real Estate Commission is responsible for the licensure and regulation of real estate salespeople and brokers in Iowa. Iowa requires an applicant for a salesperson’s license to be at least 18 years of age, complete 96 hours of specified education and pass an examination. An applicant for a broker’s license is required to complete 60 hours of live instruction in addition to the required salesperson’s education,

have engaged in real estate practice for a period of at least 24 months and pass an examination. Iowa licensees shall complete 36 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers [IA 193E-3.1-193E5.12 (543B)].

Michigan: The Michigan Department of Licensing and Regulatory Affairs is responsible for the licensure and regulation of real estate salespersons and brokers in Michigan. Michigan requires an applicant for a salesperson's license to complete 40 hours of education and pass an examination. An applicant for a broker's license must complete 90 hours of education (a law degree counts towards 60 hours and a master's degree in business administration counts as 60 hours of education, respectively), have real estate experience and pass an examination. Michigan real estate salespersons and brokers must complete 18 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers [MCL 339.2502-339.2514].

Minnesota: The Minnesota Department of Commerce is responsible for the licensure and regulation of real estate salespersons and brokers in Minnesota. Minnesota requires an applicant for a real estate salesperson to be at least 18 years of age, complete 30 hours of instruction prior to passing an examination and an additional 60 hours of education after passing the examination. An applicant for a broker's license is required to complete 30 hours of education and 3 years of experience as a licensed salesperson. All real estate salespersons and brokers are required to complete 30 hours of real estate continuing education during the licensing period and each successive 24-month period. Real estate salespersons and brokers seeking license reciprocity with the State of Minnesota may be granted provided (1) there is a written reciprocal licensing agreement in effect between the commissioner and the licensing officials of that jurisdiction, (2) the individual is licensed and in good standing in that jurisdiction, and (3) the licensing requirements of that jurisdiction are substantially similar to existing Minnesota provisions [Minnesota Statutes 2022, section 82].

Summary of factual data and analytical methodologies: The proposed rule was developed by conducting a comprehensive review of the provisions of ch. REEB 12 and 25, reviewing real estate broker provisions from surrounding states, updating language to correspond with statutory references, and obtaining input and feedback from the Real Estate Examining Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis: The proposed rules were posted for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis: The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business: These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. REEB 12.01 (3) (Note) is repealed and recreated to read:

REEB 12.01 (3) Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 2. REEB 12.01 (5) is amended to read:

REEB 12.01 (5) PREVIOUSLY LICENSED BROKERS AND SALESPERSONS. No action shall be taken on any new application of an applicant who has previously been licensed by the board until the applicant furnishes sufficient proof to the board that the applicant has not acted as a salesperson or broker since the expiration of ~~his or her~~ the applicant's license. The board may in its discretion waive this requirement.

SECTION 3. REEB 12.017 (3) (a) (intro.) and (d) are amended to read:

REEB 12.017 (3) (a) (intro.) Each individual applicant for a real estate broker's license shall submit evidence satisfactory to the board that the applicant has practiced as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of the application. Except as provided in pars. (b) to (d), the evidence shall demonstrates that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:

12.017 (3) (d) Except as provided in a reciprocal agreement under s. 452.05 (3), Stats., A nonresident applicant may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant's application.

SECTION 4. REEB 12.025 (2) and (3) are amended to read:

REEB 12.025 (2) REVIEW. All applicants who obtain a failing ~~grade~~ score shall receive a report detailing the results of the applicant's examination in the major content areas of the examination.

12.025 (3) CHEATING ON EXAMINATION. An applicant may not give or receive unauthorized assistance during an examination, violate the rules of conduct of the examination, or otherwise act dishonestly. The action taken by the board for a violation of this section shall be related to the seriousness of the offense. An action may include withholding the score of the applicant, entering a failing ~~grade~~ score for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination at which the conduct occurred.

SECTION 5. REEB 12.04 (1) (a), (2m) (b) 3., and (c) 4. are amended to read:

REEB 12.04 (1) (a) If a licensee renews ~~his or her~~ their real estate license less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., the licensee shall pay the applicable renewal fee and late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., during the biennium preceding the date of renewal of the license.

12.04 (2m) (b) 3. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. ~~and~~ or c. meets the continuing education requirement.

(c) 4. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. ~~and~~ or c. meets the continuing education requirement.

SECTION 6. REEB 25.023 (2) (c) 1. to 10., (6) (d) and (7) (d) (intro.) are amended to read:

REEB 25.023 (2) (c) 1. Listing ~~eontraet~~ contracts for sale.

2. ~~Offer~~ Offers.

3. ~~Counteroffer~~ Counter-offers.

4. ~~Amendment~~ Amendments.

5. Buyer agency ~~agreement~~ agreements.

6. Listing ~~eontraet~~ contracts for lease.

- 7. ~~Option~~ Options.
- 8. ~~Bill~~ Bills of sale.
- 9. ~~Exchange~~ Exchanges.
- 10. Cancellation agreement and mutual ~~release~~ releases.

REEB 25.023 (6) (d) Licensure and supervision of ~~employees~~ licensees associated with a firm under s. 452.132, Stats., and ch. REEB 17.

REEB 25.023 (7) (d) (intro.) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133., Stats., including all of the following:

SECTION 7. REEB 25.023 (7) (h) is repealed.

SECTION 8. REEB 25.023 (7) (f) 1. And (g) 1. are amended to read:

REEB 25.023 (7) (f) 1. Negotiations through a listing ~~broker~~ firm under s. REEB 24.13 (5).

REEB 25.023 (7) (g) 1. Licensee supervision under s. ~~REEB 17.08~~ 452.132, Stats.

SECTION 9. REEB 25.023 (7) (g) 1. (Note) is repealed.

SECTION 10. REEB 25.023 (7) (g) 2. is amended to read:

REEB 25.023 (7) (g) 2. Office supervision under s. ~~REEB 17.08~~ 452.132, Stats.

SECTION 11. REEB 25.023 (7) (g) 2. (Note) is repealed.

SECTION 12. REEB 25.028 (intro.), (1) (g), (2) (a) 3. e. to g., and i. to L., (d) 2. and 4. (intro.), (e) 2., and (i) 7. are amended to read:

REEB 25.028 (intro.) Nonresident broker education equivalency. An applicant who has held an active real estate broker's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate broker's license in this state is deemed to have met the equivalency to the business management and salesperson program education based upon ~~his or her~~ the applicant's education required to obtain a license in the other licensing jurisdiction and the completion of Wisconsin specific education consisting of all of the following:

25.028 (1) (g) Licensees associated with a firm under ch. REEB 17 and s. 452.132., Stats.

25.028 (2) (a) 3. e. ~~Counter offers~~ Counter-offers.

f. Multiple ~~counter proposals~~ counter-proposals.

g. ~~Amendment~~ Amendments.

25.028 (2) (a) 3. i. ~~Option~~ Options.

j. ~~Bill~~ Bills of sale.

k. ~~Exchange~~ Exchanges.

L. Cancellation agreement and mutual ~~release~~ releases.

25.028 (2) (d) 2. Advertising under s. REEB 24.04 and s. 452.136., Stats.

25.028 (2) (d) 4. (intro.) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133, Stats., including all of the following:

25.028 (2) (e) 2. Inquiry by listing ~~broker~~ licensee under s. REEB 24.07 (1) (b).

25.028 (2) (i) 7. Licensure and supervision of ~~employees~~ licensees associated with firm under ch. REEB 17 and s. 452.132, Stats.

SECTION 13. REEB 25.033 (3) (h) and (i), (8) (f) 5. and 6., and 11. to 14., (13) (b) 2., and 4. (intro.), and (17) (b) are amended to read:

REEB 25.033 (3) (h) ~~Broker-to-broker~~ Firm-to-firm relationships.

(i) ~~Sales associate-to-sales associate~~ Licensee-to-licensee relationships.

25.033 (8) (f) 5. ~~Counter-offers~~ Counter-offers.

6. Multiple ~~counter-proposals~~ counter-proposals.

25.033 (8) (f) 11. Cancellation agreement and mutual ~~release agreements~~ releases.

12. ~~Option~~ Options.

13. ~~Bill~~ Bills of sale.

14. ~~Exchange~~ Exchanges.

25.033 (13) (b) 2. Advertising under s. REEB 24.04 and s. 452.136, Stats.

25.033 (13) (b) 4. (intro.) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133, Stats., including all of the following:

25.033 (17) (b) The ~~master~~ comprehensive plan.

SECTION 14. REEB 25.038 (intro.), (1) (c) 5. to 7., and 9. to 12., and (4) (b) and (d), are amended to read:

REEB 25.038 (intro). Nonresident salesperson education equivalency. An applicant who has held an active real estate salesperson's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate salesperson's license in this state is deemed to have met the equivalency to the salesperson program education based upon ~~his or her~~ the applicant's education required to obtain a license in the other licensing jurisdiction and completion of Wisconsin specific education consisting of 13 hours and containing the following content:

- ~~25.038 (1) (c) 5. Counter offers~~ Counter-offers.
- ~~6. Multiple counter proposals~~ counter-proposals.
- ~~7. Amendment~~ Amendments.

~~25.038 (1) (c) 9. Option~~ Options.

- ~~10. Bill~~ Bills of sale.
- ~~11. Exchange~~ Exchanges.
- ~~12. Cancellation agreement and mutual release~~ releases.

25.038 (4) (b) Advertising under s. REEB 24.04 and s. 452.136, Stats.

25.038 (4) (d) Disclosure of compensation and interest under s. REEB 24.05 and s. 452.133, Stats., including all of the following:

SECTION 15. REEB 25.055 (1) (c) is amended to read:

REEB 25.055 (1) (c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation ~~as defined in s. 111.32 (13m), Stats.,~~ handicap, disability, religion, age, ~~physical disability~~ or national origin in its education program or courses.

SECTION 16. REEB 25.068 (1) (a), (c) and (2) (k) are amended to read:

REEB 25.068 (1) (a) A school or organization shall conduct an examination at the end of each continuing education program or course consisting of at least ~~15~~ 5 multiple-choice questions for each hour of the continuing education program or course. The passing score shall be no less than 70%, unless the school or organization provides substantial justification to the board for a lower score and the board approves the lower passing score. A school or organization may not count examination time as part of the number of hours of the program or course.

25.068 (1) (c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation ~~as defined in s. 111.32 (13m), Stats.,~~ handicap, disability, religion, age, ~~physical disability~~ or national origin, in its education program or courses.

25.068 (1) (2) (k) A minimum of ~~15~~ 5 multiple-choice questions for each hour of the continuing education program or course, the answer to each question, the portion of the course outline to which the question relates and the passing score for the examination. The questions shall comply with reasonable standards of test development and relate to the substantive contents of the continuing education program or course.

SECTION 17. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date 12/29/23</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) REEB 12 and 25 (Permanent Rule)</p>	
<p>4. Subject License Renewal and Continuing Education for real estate brokers and salespersons</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(g)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$N/A</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule To update and clarify provisions relating to original, renewal and expired real estate broker and salesperson licenses, and to update and clarify provisions relating to continuing education and requirements for real estate brokers and real estate salespersons.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule will be posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPA estimates a total of \$10,600 in one-time costs and \$6,800 in annual costs for staffing and an indeterminate IT impact to implement the rule. The estimated one-time staffing need for 0.3 limited term employee (LTE) is for form and site updates, staff training, and resource development. The estimated annual staffing need for 0.1 full time employee (FTE) is for legal investigations, processing of records requests, license monitoring, and board meetings. The one-time and annual estimated costs cannot be absorbed in the currently appropriated agency budget.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits are to provide code language that is more clear and specific pertaining to licensure for real estate brokers and salespersons.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implications of implementing this rule are clear rules for licensure and continuing education for real estate brokers and salespersons.</p>	
<p>17. Compare With Approaches Being Used by Federal Government</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

N/A

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of residential leasing agents and brokers in Illinois. Illinois requires an applicant for a broker's license to be at least 18 years of age, graduated from high school or equivalent, complete 15 hours of specified education or be admitted to practice law in Illinois and pass an examination. An applicant for a managing broker's license is required to be at least 20 years of age, graduated from high school or equivalent, complete 165 credit hours of specified education or be admitted to practice law in Illinois, be actively licensed for 2 of the last 3 years and pass an examination. An out of state applicant who holds a license in a state with standards substantially equivalent to Illinois is required to take an Illinois specific real estate brokerage laws exam. Illinois residential leasing agents, brokers, and managing brokers are required to complete 8, 12, and 18 hours of continuing education, respectively during their term. Reciprocity is granted to brokers and managing brokers who hold an active managing broker license, or its equivalent, by examination in a state with a reciprocal agreement with the Department, the broker has been actively engaged in licensed activities as a broker during the preceding 2 years in the state of licensure, and the broker's licensing standards are substantially equivalent to or greater than the minimum standards in Illinois. [225 ILCS 454].

Iowa: The Iowa Real Estate Commission is responsible for the licensure and regulation of real estate salespeople and brokers in Iowa. Iowa requires an applicant for a salesperson's license to be at least 18 years of age, complete 96 hours of specified education and pass an examination. An applicant for a broker's license is required to complete 60 hours of live instruction in addition to the required salesperson's education, have engaged in real estate practice for a period of at least 24 months and pass an examination. Iowa licensees shall complete 36 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers. [IA 193E-3.1-193E5.12 (543B)]

Michigan: The Michigan Department of Licensing and Regulatory Affairs is responsible for the licensure and regulation of real estate salespersons and brokers in Michigan. Michigan requires an applicant for a salesperson's license to complete 40 hours of education and pass an examination. An applicant for a broker's license must complete 90 hours of education (a law degree counts towards 60 hours and a master's degree in business administration counts as 60 hours of education, respectively), have real estate experience and pass an examination. Michigan real estate salespersons and brokers must complete 18 hours of continuing education approved programs, courses or activities. Reciprocity may be achieved by conforming to the prevailing licensing rules issued for real estate salespersons and brokers. [MCL 339.2502-339.2514].

Minnesota: The Minnesota Department of Commerce is responsible for the licensure and regulation of real estate salespersons and brokers in Minnesota. Minnesota requires an applicant for a real estate salesperson to be at least 18 years of age, complete 30 hours of instruction prior to passing an examination and an additional 60 hours of education after passing the examination. An applicant for a broker's license is required to complete 30 hours of education and 3 years of experience as a licensed salesperson. All real estate salespersons and brokers are required to complete 30 hours of real estate continuing education during the licensing period and each successive 24-month period. Real estate salespersons and brokers seeking license reciprocity with the State of Minnesota may be granted provided (1) there is a written reciprocal licensing agreement in effect between the commissioner and the licensing officials of that jurisdiction, (2) the individual is licensed and in good standing in that jurisdiction, and (3) the licensing requirements of that jurisdiction are substantially similar to existing Minnesota provisions. [Minnesota Statutes 2022, section 82]

19. Contact Name	20. Contact Phone Number
Jake Pelegrin, Administrative Rules Coordinator	608-267-0989

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **23-075**

AN ORDER to repeal and recreate REEB 12.01 (3) (Note); to amend REEB 12.01 (5), 12.017 (3) (a) (intro.) and (d), 12.025 (2) and (3), 12.04 (1) (a) and (2m) (b) 3. and (c) 4., 25.023 (2) (c) 1. to 10., (6) (d), and (7) (d) (intro.), (f) 1. and (g) 1. and 2., 25.028 (intro.), (1) (g) and (2) (a) 3. e. to g., and i. to L., (d) 2. and 4.(intro.), (e) 2., and (i) 7., 25.033 (3) (h) and (i), (8) (f) 5. and 6., and 11. to 14., (13) (b) 2. and 4. (intro.), and (17) (b), 25.055 (1) (c), and 25.068 (1) (a) and (c) and (2) (k); and to repeal REEB 25.023 (7) (h) and (g) 1. (Note) and 2. (Note), relating to license renewal and continuing education.

Submitted by **REAL ESTATE EXAMINING BOARD**

12-29-2023 RECEIVED BY LEGISLATIVE COUNCIL.

01-24-2024 REPORT SENT TO AGENCY.

SG:AG

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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Clearinghouse Director

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CLEARINGHOUSE RULE 23-075

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

Under the Analysis heading in both the Statutory Authority and Explanation of Agency Authority sections, the agency cites s. 452.05 (2) (c) and (d), Stats., as its authority for promulgating these rules. However, the quoted language that does provide rulemaking authority to Board is found in s. 452.05 (1) (c) and (d), Stats. The agency should ensure the referenced and quoted statutory authority are consistent.

2. Form, Style and Placement in Administrative Code

a. The introductory clause for the proposed rule should be corrected to specifically list each provision treated in the rule; in particular, s. REEB 25.038 (intro.), (1) (c) 5. to 7. and 9. to 12., and (4) (b) and (d), are missing and should be added.

b. In SECTION 3, the citation added in s. REEB 12.017 (3) (d) should be “s. 452.05 (3), Stats.,” to be consistent with citation standards in s. 1.15 of the Manual.

c. In SECTION 6, should “agreement” also be pluralized in s. REEB 25.023 (2) (c) 10.? The same comment applies in ss. REEB 25.028 (2) (a) 3. L., 25.033 (8) (f) 11. and 25.038 (1) (c) 12. Additionally, the added cross-reference to “s. 452.133., Stats.,” in s. REEB 25.023 (7) (d) (intro.) should be changed to “s. 452.133, Stats.,” in order to be consistent with s. 1.15 (2) (b) of the Manual.

d. In the SECTION 8 title, “And” should be changed to be lowercase in order to be consistent with s. 1.06 (2) of the Manual.

e. In SECTION 12, the cross-reference in s. REEB 25.028 (1) (g), should instead be “s. 452.132, Stats.” and the cross-reference in s. REEB 25.028 (2) (d) 2. should instead be “s. 452.136, Stats.” in order to be consistent with s. 1.15 of the Manual.

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	Holding public hearing and getting Board approval to accept Clearinghouse comments	Board approval to submit Final Rule Draft to Governor's Office, then Legislature

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		1/22/2024 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: 2/1/2024	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Newsletter Matters
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A
10) Describe the issue and action that should be addressed: The Board will discuss and select topics for the next newsletter, assign authors, and consider deadlines 30-days before target publication date. January 2024 Issue: <ul style="list-style-type: none"> • Chair's Corner • Updated Board Member List • Board Orders since 4/27/2023 • Possible articles: TBD • Target Publication Date: _____ • Archive: https://dsps.wi.gov/Pages/BoardsCouncils/RealEstate/Newsletter.aspx Send articles to Will Johnson.		
11) Authorization		
<i>Brenda Taylor</i>		1/22/2023
Signature of person making this request		Date
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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. 		