



REAL ESTATE EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
February 18, 2016

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 the Minutes of December 3, 2015 (4-7)

C. Administrative Matters

1. Staff Updates
2. Election of Officers **(8-10)**
3. Appointment of Liaisons and Delegation of Authority
 - a. Monitoring Liaison and the Department Monitor **(11-12)**

D. Legislative/Administrative Rule Matters

1. Update on Legislation and Pending or Possible Rulemaking Projects

E. Real Estate Contractual Forms Advisory Council Update

F. Credentialing Matters

1. License Counts

G. Education and Examination Matters

1. Exam Information

H. Disciplinary Matters

1. 2015 Case Report

I. Discussion and Consideration of Items Received After Preparation of the Agenda:

1. Introductions, Announcements and Recognition
2. Election of Board Officers
3. Appointment of Board Liaison(s)
4. Administrative Updates
5. Education and Examination Matters
6. Credentialing Matters
7. Practice Matters
8. Legislation/Administrative Rule Matters
9. Liaison Report(s)

10. Informational Items
11. Disciplinary Matters
12. Requests for Disciplinary Proceeding Presentations
13. Motions
14. Petitions
15. Appearances from Requests Received or Renewed
16. Speaking Engagement(s), Travel, or Public Relation Request(s)

J. 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.).

K. Presentation and Deliberation Division of Legal Services and Compliance (DLSC) Matters

1. Administrative Warning(s)

- a. 14 REB 098 – J.A.B. **(13-14)**
- b. 15 REB 033 – C.H.S. **(15-16)**
- c. 15 REB 050 –R.P.I. **(17-18)**

2. Proposed Stipulation(s), Final Decision(s), and Order(s)

- a. 14 REB 004 – Matthew Ignatiev **(19-24)**
- b. 14 REB 101 – Jeneene A. Safer **(25-30)**
- c. 14 REB 121 – Jonathan R. Michals and Jon Michals Realty, LLC **(31-38)**
- d. 15 REB 040 – Samuel M. Dickman and The Dickamn Company, Inc. **(39-45)**

3. Case Closing(s)

- a. 14 REB 092 – K.C. **(46-50)**
- b. 14 REB 098 – J.A.J and A.J.R.E. **(51-55)**
- c. 14 REB 101 – M.S.K. and K.L.L.C. **(56-60)**
- d. 14 REB 116 – A.B. and P.P.M.L.L.C. **(61-64)**
- e. 14 REB 125 – S.H.S. and S.R.E. **(65-70)**
- f. 15 REB 006 – B.K. **(71-74)**
- g. 15 REB 016 – G.A.A. **(75-78)**
- h. 15 REB 050 – N.T.I. **(79-83)**

L. Presentation and Deliberation on Credentialing Matters

1. Peter Liakopoulos – Predermination for Conviction Review **(84-110)**
2. M.H. – Extension Request **(111-113)**
3. A. S. – Waiver Request **(114)**
4. K.P. – Waiver Request **(115)**

M. Presentation and Deliberation on Order(s) Fixing Costs

1. Mark H Pierce, Respondent (ORDER0004415)(DHA case # SPS-15-0069)(DLSC case # 13 REB 042) **(116-122)**

N. Deliberation of Items Received After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. Disciplinary Matters
4. Professional Assistance Procedure (PAP)
5. Monitoring Matters
6. Petitions for Summary Suspension(s)
7. Proposed Stipulation(s), Final Decision(s) and Order(s)
8. Administrative Warning(s)
9. Review of Administrative Warning(s)
10. Proposed Final Decisions and Orders
11. Orders Fixing Costs/Matters Related to Costs
12. Case Closings

O. Consulting with Legal Counsel

REONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

The Next Scheduled Meeting is April 7, 2016.

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
DECEMBER 3, 2015**

PRESENT: Stephen Beers, Marie Hetzer, Brian McGrath, Michael Mulleady, Randal Savaglio (*via GoToMeeting*), Dennis Pierce

EXCUSED: Kitty Jedwabny

STAFF: Brittany Lewin - Executive Director; Nilajah Hardin - Bureau Assistant; Sharon Henes - Administrative Rules Coordinator; and Other Department Staff

CALL TO ORDER

Stephen Beers, Chair, called the meeting to order at 10:03 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Under Closed Session J. 2). Proposed Stipulation(s), Final Decision(s) and Order(s): Add Item "h. 14 REB 060 – Robert F. Peeple"*

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF THE MINUTES OF OCTOBER 15, 2015

MOTION: Marie Hetzer moved, seconded by Michael Mulleady, to approve the minutes of October 15, 2015 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

REEB 24 Relating to Felony as Grounds for Revocation

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to designate the Chair to approve the Adoption Order for Clearinghouse Rule 15-051 Relating to Felony as Grounds for Revocation. Motion carried unanimously.

CLOSED SESSION

MOTION: Michael Mulleady moved seconded by Marie Hetzer, 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.). Stephen Beers read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Stephen Beers-yes; Marie Hetzer-yes; Brian McGrath-yes; Michael Mulleady-yes; Dennis Pierce-yes; Randal Savaglio-yes. Motion carried unanimously.

The meeting convened to closed session at 10:35a.m.

RECONVENE TO OPEN SESSION

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to reconvene into open session. Motion carried unanimously.

The meeting reconvened into open session at 11:42 a.m.

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

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to affirm all votes made in Closed Session. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Marie Hetzer moved, seconded by Dennis Pierce, to issue an Administrative Warning in the following matters:

1. 13 REB 113 - N.C.S.
2. 14 REB 132 - R.E.S.J.
3. 14 REB 143 - S.L.
4. 14 REB 151 - J.E.M.

Motion carried unanimously.

Proposed Stipulations, Final Decisions And Orders

MOTION: Randal Savaglio moved, seconded by Marie Hetzer, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 13 REB 113 – Paul G.Stevens and MadisonFlatFeeHomes.Com, LLC
2. 13 REB 091 and 13 REB 093 – Dean Webb and Everest Realty Group, LLC
3. 14 REB 018 – William Eiseman and Realty Associates Inc.
4. 14 REB 074 – Robert L. Worth and R W Realty, Inc.
5. 14 REB 112 – Matthew A. Krasowski and Contemporary Real Estate Services, LLC
6. 14 REB 113 – LaVon M. Jensen and LMJ Associates, Inc.
7. 14 REB 134 – John W. Torgerson
8. 14 REB 060 – Robert F. Peeples

Motion carried unanimously.

Case Closings

MOTION: Michael Muleady moved, seconded by Marie Hetzer, to close the following cases for the reasons outlined below:

1. 13 REB 042 (M.R.) – Prosecutorial Discretion (P7)
2. 13 REB 091 and 13 REB 093 (Q.E.I., M.T.P., and M.D.R.) – No Violation
3. 14 REB 120 (J.S. and P.C.R.) – No violation
4. 14 REB 151 (M.W. and H.A.W.L.L.C.) – No Violation
5. 14 REB 155 (A.E., M.R., and R.S.C.W.) – Prosecutorial Discretion (P3)
6. 14 REB 160 (J.L.E., R.S.I., and G.G.K.) – No Violation
7. 15 REB 014 (J.M.A.) – Insufficient Evidence
8. 15 REB 056 (N.S., C.O., and R.E.F.) – No Violation
9. 15 REB 067 (D.C., and C.M.I.) – No Violation

Motion carried unanimously.

Monitoring

Jason DeNoble – Requesting Full Unrestricted License

MOTION: Michael Muleady moved, seconded by Dennis Pierce, to deny the request of Jason DeNoble for full licensure. **Reason for Denial:** The licensee has not complied with the terms of the Order (09/11/2013). The licensee needs to demonstrate successful compliance with all terms of the Order before any modifications will be granted. Motion carried unanimously.

PROPOSED FINAL DECISIONS AND ORDER(S)

Mark H Pierce, Respondent (DHA case # SPS-15-0069)(DLSC case # 13 REB 042)

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Mark H Pierce, Respondent (DHA case # SPS-15-0069)(DLSC case # 13 REB 042). Motion carried. Recused: Marie Hetzer

(Marie Hetzer recused herself and left the room for deliberation, and voting in the matter of Mark H Pierce, Respondent (DHA case # SPS-15-0069)(DLSC case # 13 REB 042).)

ORDER(S) FIXING COSTS

Harvey J. Goldstein, Respondent (ORDER0003769)(DHA case # SPS-15-0027)(DLSC case # 15 REB 002)

MOTION: Michael Mulleady moved, seconded by Randal Savaglio, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Harvey J. Goldstein, Respondent (ORDER0003769)(DHA case # SPS-15-0027)(DLSC case # 15 REB 002). Motion carried unanimously.

ADJOURNMENT

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:44 a.m.

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

AGENDA REQUEST FORM

| | | | | | | | | | | | |
|--|---|---|--|--------------------------|-----------------|---|------|--------------------------|------|--|--|
| 1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant | | 2) Date When Request Submitted: 02/08/16 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | | | | | | | | | |
| 3) Name of Board, Committee, Council, Sections: Real Estate Examining Board | | | | | | | | | | | |
| 4) Meeting Date: 02/18/16 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Election of Officers Appointment of Liaisons and Delegation of Authority | | | | | | | | | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: N/A | | | | | | | | | |
| 10) Describe the issue and action that should be addressed: The Board shall Elect Officers and have the Chair appoint Liaisons. The Board shall also complete delegations of authority as necessary. | | | | | | | | | | | |
| 11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Nilajah D. Hardin</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">02/08/16</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table> | | | | <i>Nilajah D. Hardin</i> | 02/08/16 | 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 | |
| <i>Nilajah D. Hardin</i> | 02/08/16 | | | | | | | | | | |
| 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. | | | | | | | | | | | |

REAL ESTATE EXAMINING BOARD
2015 ELECTIONS AND LIAISON APPOINTMENTS

| 2015 ELECTION RESULTS | |
|------------------------------|------------------|
| Chair | Stephen Beers |
| Vice Chair | Michael Mulleady |
| Secretary | Randal Savaglio |

| 2015 LIAISON APPOINTMENTS | |
|----------------------------------|-----------------------------------|
| Credentialing Liaison | Randal Savaglio |
| DLSC (PAP/Monitoring) | Marie Hetzer |
| Continuing Education Liaison | Stephen Beers |
| Screening Panel Team 1 | Dennis Pierce and Stephen Beers |
| Screening Panel Team 2 | Marie Hetzer and Michael Mulleady |
| Screening Panel Team 3 | Randal Savaglio and Brian McGrath |

MOTION: Michael Mulleady moved, seconded by Randal Savaglio, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Michael Mulleady moved, seconded by Randal Savaglio, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Such actions will be reported to the Board at the next meeting. Motion carried unanimously.

REAL ESTATE EXAMINING BOARD
2015 ELECTIONS AND LIAISON APPOINTMENTS

MOTION: Dennis Pierce moved, seconded by Michael Mulleady, to delegate authority to the DSPS paralegal to address specific issues related to review of applications where the only conviction is a single OWI or underage alcohol possession or have a felony conviction within three (3) years. Motion carried unanimously.

Monitoring

MOTION: Michael Mulleady moved, seconded by Randal Savaglio, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document. Motion carried unanimously.

Credentialing

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters. Motion carried unanimously.

Continuing Education

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to delegate authority to the Continuing Education Liaison(s) to address all issues related to continuing education matters. Motion carried unanimously.

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

AGENDA REQUEST FORM

| | | | |
|--|---|---|--|
| 1) Name and Title of Person Submitting the Request: Kelley Sankbeil Monitoring Supervisor Division of Legal Services and Compliance | | 2) Date When Request Submitted: January 9, 2016 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 Board | | | |
| 4) Meeting Date: February 18, 2016 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Delegation of Authority to Monitoring Liaison and Department Monitor | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i> | | | |
| 11)  Authorization <div style="display: flex; justify-content: space-between;"> Signature of person making this request January 9, 2016 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div> | | | |
| 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. | | | |

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

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

Current 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/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. 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 the signature or written authorization from the Liaison.
- 8. Grant or deny a request to appear before the Board/Section in closed session.**

Current 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 CE 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 CE 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 completion and/or payment have been received.