



REAL ESTATE APPRAISERS BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 10, 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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Welcome New Members
- B) **Adoption of Agenda (1-4)**
- C) **Approval of Minutes of November 11, 2015 (5-8)**
- D) **Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Appointments/Reappointments/Confirmations
 - 3) Board Members – Term Expiration Dates
 - a) Scott Brunner – 5/1/2016
 - b) Carl Clementi – 5/1/2016
 - c) Jennifer Coates – 5/1/2019
 - d) Thomas Kneesel – 5/1/2018
 - e) Steven Miner – 5/1/2019
 - f) Lawrence Nicholson – 5/1/2018
 - g) Henry Simon – 5/1/2009
 - 4) Other Items
- E) **Nominations, Elections, and Appointments**
 - 1) Election of Officers **(9-11)**
 - 2) Liaison Appointments and Delegation of Authority
 - a) Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor Document **(12-13)**
- F) **Legislative/Administrative Rule Matters**
 - 1) Status of Statute and Administrative Rule Matters
 - 2) Mandatory Appraiser Licensing Legislation

- 3) Appraisal Management Company (AMC) Legislation
 - a) AMC Final Rule **(14)**
 - b) Excerpt From the Federal Code – Dodd Frank **(15)**
- 4) Senate Bill 698, Relating to Various Changes to DSPS Related Licensing Statutes **(16)**

G) Informational Items

- 1) White House Report on Occupational Licensing **(17)**

H) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Updates
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Legislation/Administrative Rule Matters
- 8) Liaison Report(s)
- 9) Informational Item(s)
- 10) Disciplinary Matters
- 11) Presentations of Petition(s) for Summary Suspension
- 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 13) Presentation of Proposed Decisions
- 14) Presentation of Interim Order(s)
- 15) Petitions for Re-Hearing
- 16) Petitions for Assessments
- 17) Petitions to Vacate Order(s)
- 18) Petitions for Designation of Hearing Examiner
- 19) Requests for Disciplinary Proceeding Presentations
- 20) Motions
- 21) Petitions
- 22) Appearances from Requests Received or Renewed
- 23) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

I) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

J) 10:00 A.M. APPEARANCE: K.R.C. - Review of Administrative Warning (WARN00000395)(DLSC Case # 14 APP 053) (18-21)

- K) Deliberation on Division of Legal Services and Compliance (DLSC) Matters**
- 1) **Administrative Warnings**
 - a) 14 APP 056 – W.O.W. **(22-23)**
 - b) 14 APP 072 – J.A.B. **(24-25)**
 - 2) **Proposed Stipulations, Final Decisions and Orders**
 - a) 13 APP 091 and 13 APP 095 – Lynette C. Ketcham **(26-31)**
 - b) 14 APP 006 – David W. Ihler **(32-39)**
 - c) 14 APP 008 and 15 APP 016 – David E. Holzhauer **(40-48)**
 - d) 14 APP 038 – Lee A. Hietpas **(49-59)**
 - e) 14 APP 060 – Christopher L. Buchholtz **(60-68)**
 - f) 14 APP 071 – Jacob D. Hoaglund **(69-75)**
 - g) 15 APP 004 and 15 APP 030 – Dragan Radjenovic **(76-85)**
 - h) 15 APP 005 – James A. Begg III **(86-91)**
 - 3) **Case Closings**
 - a) **14 APP 070 – M.T.F. – New Case Closure Options – Presentation – APPEARANCE – Sarah Norberg, DLSC Attorney Supervisor and Andrea Brauer, DLSC Attorney (92-98)**
 - b) 15 APP 055 – M.Z.S. **(99-102)**
 - c) 15 APP 061 – J.D.H. **(103-115)**
- L) Deliberation of Items Added After Preparation of the Agenda:
- 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) Disciplinary Matters
 - 4) Monitoring Matters
 - 5) Professional Assistance Procedure (PAP) Matters
 - 6) Petition(s) for Summary Suspensions
 - 7) Proposed Stipulations, Final Decisions and Orders
 - 8) Administrative Warnings
 - 9) Proposed Decisions
 - 10) Matters Relating to Costs
 - 11) Complaints
 - 12) Case Closings
 - 13) Case Status Report
 - 14) Petition(s) for Extension of Time
 - 15) Proposed Interim Orders
 - 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
- M) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- N) Open Session Items Noticed Above not Completed in the Initial Open Session
- O) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- P) **Board Member Training Presentation (116-165)**

ADJOURNMENT

The Next Scheduled Meeting is May 10, 2016.

**REAL ESTATE APPRAISERS BOARD
MEETING MINUTES
NOVEMBER 10, 2015**

PRESENT: Scott Brunner, Carl Clementi, Jennifer Coates (*via GoToMeeting*), Steven Miner, Lawrence Nicholson, Henry Simon

EXCUSED: Thomas Kneesel

STAFF: Brittany Lewin - Executive Director; Nilajah Hardin - Bureau Assistant, and other DSPS Staff

CALL TO ORDER

Lawrence Nicholson, Chair, called the meeting to order at 9:33 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Henry Simon moved, seconded by Scott Brunner, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Steven Miner moved, seconded by Henry Simon, to approve the minutes of August 26, 2015 as published. Motion carried unanimously.

NOMINATIONS, ELECTIONS AND APPOINTMENTS

Liaison Appointments

2015 LIAISON APPOINTMENTS	
Monitoring Liaison	Carl Clementi <i>Alternate: Steven Miner</i>
Continuing Education Liaison	Lawrence Nicholson; <i>Alternate: Thomas Kneesel</i>
Credentialing Liaison	Carl Clementi; <i>Alternate: Thomas Kneesel</i>
Rules Liaison	Carl Clementi; <i>Alternate: Thomas Kneesel</i>

MOTION: Scott Brunner moved, seconded by Henry Simon, to affirm the Chair's appointment of Liaisons. Motion carried unanimously.

CLOSED SESSION

MOTION: Henry Simon moved, seconded by Steven Miner, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Scott Brunner – yes; Carl Clementi - yes; Jennifer Coates – yes; Steven Miner – yes; Lawrence Nicholson – yes; Henry Simon - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:46 a.m.

RECONVENE TO OPEN SESSION

MOTION: Henry Simon moved, seconded by Carl Clementi, to reconvene in Open Session at 12:10 p.m. Motion carried unanimously.

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

MOTION: Scott Brunner moved, seconded by Carl Clementi, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

15 APP 027 – R.J.F.

MOTION: Carl Clementi moved, seconded by Henry Simon, to issue an Administrative Warning in the matter of DLSC case number 15 APP 027 R.J.F. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

13 APP 076 and 13 APP 084 – Willard C. Parr

MOTION: Scott Brunner moved, seconded by Steven Miner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Willard C. Parr (DLSC case numbers 13 APP 076 and 13 APP 084). Motion carried unanimously.

13 APP 085 and 15 APP 024 – Anne M. Fogle

MOTION: Henry Simon moved, seconded by Scott Brunner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Anne M. Fogle (DLSC case number 13 APP 085 and 15 APP 024). Motion carried unanimously.

13 APP 100 – Lyle M. Pomplun

MOTION: Scott Brunner moved, seconded by Steven Miner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Lyle M. Pomplun (DLSC case number 13 APP 100). Motion carried unanimously.

13 APP 102 – Jeffrey D. White

MOTION: Steven Miner moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Jeffrey D. White (DLSC case numbers 13 APP 102). Motion carried unanimously.

14 APP 001 – Paul D. Grossmeier

MOTION: Scott Brunner moved, seconded by Carl Clementi, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Paul D. Grossmeier (DLSC case number 14 APP 001). Motion carried unanimously.

14 APP 005 – Kenneth D. Jones

MOTION: Steven Miner moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Kenneth D. Jones (DLSC case number 14 APP 005). Motion carried unanimously.

14 APP 007 – George A. Thorne

MOTION: Carl Clementi moved, seconded by Scott Brunner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of George A. Thorne (DLSC case number 14 APP 007). Motion carried unanimously.

14 APP 029 – John R. Mau

MOTION: Steven Miner moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of John R. Mau (DLSC case number 14 APP 029). Motion carried unanimously.

14 APP 047 – Randy J. Schmitt

MOTION: Scott Brunner moved, seconded by Steven Miner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Randy J. Schmitt (DLSC case number 14 APP 047). Motion carried unanimously.

14 APP 048 – Donald R. Holt

MOTION: Steven Miner moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Donald R. Holt (DLSC case number 14 APP 048). Motion carried unanimously.

14 APP 049 – Tammi Kay McKee

MOTION: Carl Clementi moved, seconded by Scott Brunner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Tammi Kay McKee (DLSC case number 14 APP 049). Motion carried unanimously.

14 APP 050 – Lynn M. Beck

MOTION: Carl Clementi moved, seconded by Steven Miner, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Lynn M. Beck (DLSC case number 14 APP 050). Motion carried unanimously.

14 APP 059 – James G. Bares

MOTION: Steven Miner moved, seconded by Carl Clementi, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of James G. Bares (DLSC case number 14 APP 059). Motion carried unanimously.

CASE CLOSINGS

13 APP 005 – T.P.

MOTION: Scott Brunner moved, seconded by Carl Clementi, to close case 13 APP 005, against Thomas Prock, for Prosecutorial Discretion (P7). Motion carried unanimously.

13 APP 098 – R.P.F.

MOTION: Scott Brunner moved, seconded by Carl Clementi, to close case 13 APP 098, against Robert P. Finstad, for Prosecutorial Discretion (P5 - Flag). Motion carried unanimously.

14 APP 043 – B.A.S.

MOTION: Steve Miner moved, seconded by Scott Brunner, to close case 14 APP 043, against Bernice A. Stutz, for Prosecutorial Discretion (P1). Motion carried unanimously.

ADJOURNMENT

MOTION: Steven Miner moved, seconded by Henry Simon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:12 p.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: 01/29/16 <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: Physical Therapy Examining Board			
4) Meeting Date: 02/10/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Nominations, Elections, and Appointments 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 delegate authority as necessary.			
11) Authorization			
<i>Nilajah D. Hardin</i>		02/29/16	
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 APPRAISERS BOARD
2015 ELECTIONS AND APPOINTMENTS**

February 2015

2015 OFFICERS	
Board Chair	Lawrence Nicholson
Vice Chair	Carl Clementi
Secretary	Scott Brunner

2015 LIAISON APPOINTMENTS	
Monitoring Liaison	Carl Clementi <i>Alternate: Marla Britton</i>
Continuing Education Liaison	Lawrence Nicholson; <i>Alternate: Marla Britton</i>
Credentialing Liaison	Carl Clementi; <i>Alternate: Marla Britton</i>
DLSC Liaison	NONE
Education and Exams Liaison	Lawrence Nicholson; <i>Alternate: Carl Clementi</i>
Legislative Liaison	Lawrence Nicholson; <i>Alternate: Carl Clementi</i>
Travel Liaison	Lawrence Nicholson; <i>Alternate: Carl Clementi</i>
Website Liaison	Scott Brunner; <i>Alternate: Henry Simon</i>
Rules Liaison	Carl Clementi; <i>Alternate: Marla Britton</i>
Professional Assistance Procedure Liaison	Henry Simon; <i>Alternate: Scott Brunner</i>
ASC and AQB Liaison	Carl Clementi; <i>Alternate: Lawrence Nicholson</i>
REA Application Advisory Committee Chair	Marla Britton; <i>Alternate: Carl Clementi</i>
Screening Panel	NONE

MOTION: Scott Brunner moved, seconded by Henry Simon, 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, to fill vacant appointment positions,

and to act where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Marla Britton moved, seconded by Henry Simon, that the Board delegates authority to the Chair, highest ranking officer, or longest serving member of the Board, 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: Marla Britton moved, seconded by Scott Brunner, that Board Counsel or another Department attorney is formally authorized to serve as the Board’s designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

MOTION: Scott Brunner moved, seconded by Marla Britton, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor’ document as presented. Motion carried unanimously.

August 2015

2015 LIAISON APPOINTMENTS	
REA Application Advisory Committee Chair	Thomas Kneesel; Alternate: Carl Clementi

November 2015

2015 LIAISON APPOINTMENTS	
Monitoring Liaison	Carl Clementi Alternate: Steven Miner
Continuing Education Liaison	Lawrence Nicholson; Alternate: Thomas Kneesel
Credentialing Liaison	Carl Clementi; Alternate: Thomas Kneesel
Rules Liaison	Carl Clementi; Alternate: Thomas Kneesel

**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 Appraisers Board			
4) Meeting Date: February 10, 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.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 12/16/15 <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 Appraisers Board											
4) Meeting Date: 02/10/16	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Appraisal Management Company (AMC) Legislation AMC Final Rule									
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: Please see the AMC Final Rule Published on June 9, 2015: http://www.gpo.gov/fdsys/pkg/FR-2015-06-09/pdf/2015-12719.pdf											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Nilajah D. Hardin</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">12/16/15</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 style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				<i>Nilajah D. Hardin</i>	12/16/15	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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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 12/15/15 <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 Appraisers Board											
4) Meeting Date: 02/10/16	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Appraisal Management Company (AMC) Legislation Excerpt From the Federal Code – “Dodd Frank”									
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: Please see the following excerpt from the federal code relating to Dodd Frank. The requirement is in section 3353 (f): http://www.gpo.gov/fdsys/pkg/USCODE-2011-title12/pdf/USCODE-2011-title12-chap34A-sec3353.pdf .											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Nilajah D. Hardin</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"><i>12/15/15</i></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>	<i>12/15/15</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	
<i>Nilajah D. Hardin</i>	<i>12/15/15</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											
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 02/03/2016 <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 Appraisers Board			
4) Meeting Date: 02/10/2016	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Senate Bill 698, Relating to Various Changes to DSPS Related Licensing Statutes	
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: Please review Senate Bill 698 at the following link: http://docs.legis.wisconsin.gov/2015/related/proposals/sb698.			
11) Authorization			
<i>Nilajah D. Hardin</i>		02/03/16	
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	
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted: 12/4/2015	
		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 Appraisers Board			
4) Meeting Date: 2/10/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Informational Item – White House Report on Occupational Licensing	
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? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Item is informational only. If the Board would like to discuss it, it could be added as a separately listed item on a future agenda. https://community.nabweb.org/system/files/licensing_report_final_nonembargo.pdf			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

2016 Board Member Basic Training



"I'll have an ounce of prevention."

Topics

- ▣ Open Meetings
- ▣ Open/Public Records
- ▣ Ethics
- ▣ Case Studies

Wisconsin Open Meetings Law

- ▣ “...the public is entitled to the **fullest and most complete information regarding the affairs of government** as is compatible with the conduct of governmental business.” Wis. Stat. s. 19.81 (1)
- ▣ “Open meetings law is to be **broadly interpreted** to promote the policy of openness.” Wis. Stat. s. 19.81 (4)

ERR ON THE SIDE OF OPENNESS

- ▣ On close questions, courts will prefer an interpretation of the law that favors open government
- ▣ Courts disfavor any interpretation that would facilitate evasion of the policy of openness

AND...BANISH THESE THOUGHTS



*“Let’s never forget that the public’s desire for transparency
has to be balanced by our need for concealment.”*

CN
COLLECTION

DOES OPEN MEETINGS LAW APPLY TO US?

- ▣ Yes
- ▣ Your Board is a governmental body
- ▣ **CAUTION IS ADVISED**
 - Our Advice: No Communication on Board Related Matters with any Other Member or Members of the Board Unless in Context of a Noticed Meeting
- ▣ Be Prepared to Consult with your Executive Director

WHAT IS A “MEETING?”

CONVENE/PURPOSE + NUMBERS = MEETING

- ▣ Open Meetings Law Applies to “Meetings”
- ▣ “Meeting” Very Broadly Defined – 2 Parts
 - 1) **Convene** for the **Purpose** of Conducting Governmental Business;
AND
 - 2) **Number** of Members Sufficient to Determine Course of Body’s Action

PART 1: “CONVENE” and “PURPOSE”

1) Convene for the Purpose of Conducting Governmental Business

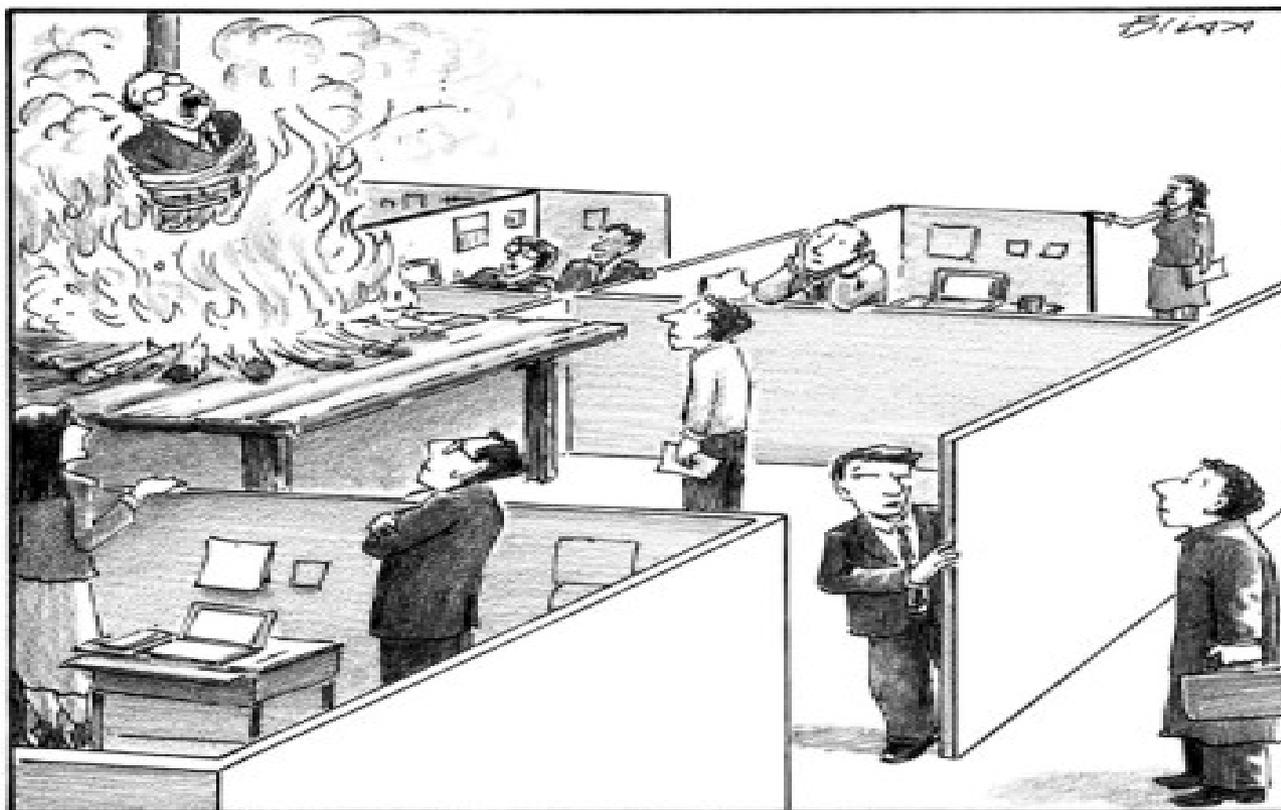
- Convene: Format Must Only *Resemble* Face-to-Face Gatherings
 - Email, Text Messages, Social Networking, Discussion Boards, *Series of Separate Conversations*
- Purpose: Conducting Business. BUT, Not limited to Formal or Final Decision Making

PART 2: “NUMBERS”

2) Number of Members Sufficient to Determine Course of Body's Action

- Beware Quorum, Negative Quorum, “Walking” Quorum, Chance and Social Gatherings
- Walking Quorum Can Result from a Series of ‘Gatherings’ Among Members of a Body
 - Smaller Than a Quorum
 - Agreement to Act Uniformly
 - Our Advice: Do Not Communicate with Other Board Members about Board Business Outside of Noticed Meetings

...HITTING 'REPLY ALL' ... #NOTCOOL



"He Replied All."



Toub

"You invented a time machine to come back and bit Reply instead of Reply All?"

PUBLIC NOTICE

- ▣ “Every Meeting of a Governmental Body Shall be Preceded by Public Notice...” Wis. Stat. s. 19.83 (1)
 - Meeting Notice Must be Published and Posted
 - Must Reasonably Inform Public of Time, Date, Place, and Subject Matter of the Meeting

SUBJECT MATTER

- ▣ Content of Notice Must Reasonably Describe the Subject Matter of the Meeting
- ▣ Should Not Use Generic, Uninformative Subject Matter Designations (e.g., New Business)
- ▣ 24 Hour Advance Notice Required
 - Same Day Agenda Additions Not Allowed Unless Topic is Noticed
 - No 'Walk-In' Agenda Items Allowed

PEOPLE ARE WATCHING



OPEN AND CLOSED SESSION

- ▣ “All Meetings Must be Publicly Held and Shall Be Open to All Citizens At All Times (OPEN SESSION)...”
 - Presumption for Open Session
- ▣ “Unless Otherwise Provided by Law”
 - i.e., CLOSED SESSION Permitted if Exception in Statute

CLOSED SESSION NOTES

- ▣ Meetings Begin in Open Session
- ▣ Detailed Procedure for Convening to Closed Session
 - All Open Session Exemptions and Nature of Business Announced
 - Roll Call Vote Necessary
 - Discussion Limited to That Specific Item
 - Vote in Closed Session/ Affirm in Open

DARKO
COLUMBIA
DAILY TRIBUNE
2005

SUNSHINE LAW

...AND THIS IS A
SUNSPOT, WHICH CAN
CAUSE MASSIVE
INTERRUPTION OF
COMMUNICATIONS!

CLOSED
GOVERNMENT

PUBLIC RECORDS

- ▣ Records are Presumed to be Open
 - Strong Declaration of Openness
 - Presumption of Complete Public Access
 - Broad Access Favored
 - Records OPEN to INSPECTION and COPYING
 - Request Need Only Reasonably Describe the Information or Record Requested

WHAT IS A PUBLIC RECORD

EXAMPLES:

- ▣ Open Session Agenda Materials
- ▣ Meeting Minutes
- ▣ Your Communications, Including Emails and Text Messages Relating to Your Public Position
 - Includes Communications To and From Private Equipment
 - Send to ED for Retention

PEOPLE ARE STILL WATCHING



ETHICS



"It's just us today. Campbell called in ethical."

AllPosters

ETHICS

- ▣ You Are Bound by State Lobbying Law and Ethics Code
- ▣ Both Laws Enforced by Government Accountability Board (GAB)
 - [http//gab.wi.gov](http://gab.wi.gov)
 - 1-800-VOTEWIS
 - 608-266-8005
 - Email: gab@wi.gov

LOBBYING LAW

- ▣ Do Not Solicit or Accept Any Item of Pecuniary Value from a Lobbyist
- ▣ Do Not Solicit or Accept Anything of Pecuniary Value from a Business or Organization that Employs a Lobbyist
 - e.g., Gifts, Tickets, Food, Drink, Transportation, Reimbursement for Services Unrelated to Board Position
 - Exception: when Giving a Board Approved Talk or Attending Event for Benefit of State (After Board Approval)

CONFLICT OF INTEREST

- ▣ “Any Interest, Engagement or Obligation ... in Substantial Conflict with the Discharge of the Board Member’s Duties”
 - e.g., Cannot be an Officer, Director or Employer of an Organization that Promotes Your Profession
- ▣ Must Avoid Judgment Being Unduly Influenced/Question Raised Re: Impartiality

BIAS AND APPEARANCE OF CONFLICT OF INTEREST

- ▣ Bias: A Preconceived Opinion or a Predisposition to Decide a Cause or Issue in a Certain Way
- ▣ Appearance of Conflict of Interest: One who Appears to be in a Position of Conflict of Interest
 - DON'T WANT/CAN'T HAVE: 1) Impartiality to Be Questioned, or 2) Run Risk Your Actions are Unduly Influenced

NO HIDDEN AGENDAS

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glasbergen.com



**“Larry, do you remember where
we buried our hidden agenda?”**

WHAT TO DO IF CONFLICT, BIAS OR PERCEPTION OF BIAS

- 1) Make It Public
 - Notify ED as Soon as Possible (In Advance of Meeting Preferably)
 - Announce It to Board
- 2) Disqualify Yourself from Proceedings
 - Note Recusal or Abstention for Record
 - Step Out of Board Room
 - Return When Board has Moved On

OTHER ETHICAL DON'TS

- ▣ Do Not Act Officially in a Matter in Which You are Privately Interested
 - e.g., Do You Provide CE for Compensation?
- ▣ Do Not Use Your Position for Private or Unlawful Benefit
- ▣ Do Not Use Confidential Information to Receive Anything of Value

<http://gab.wi.gov/ethics/standards>

Case No.

Board Member X has come up with some ideas about a matter affecting his Board and decides he will call and email another Board member to communicate about it so he can be more informed on the subject. Why should Board Member X not make contact with another Board member outside of a noticed meeting? What should both Board members do with email(s) exchanged?

Case No.

Board Member X is a past officer of his state association and regularly exchanges emails and text messages with association employees. At times the communications address Board related matters. Should the emails and text messages be saved and kept by Board Member X or saved and sent to the DSPS Executive Director for that Board?

Case No.

Board Member X is the Chair of a 7 member Board. She decides to call another Board member only to gather information about a matter affecting their profession that could be viewed as a matter within the purview of the Board. It is not an action item, and she feels safe because she is simply gathering information and only involving one other member, well short of a negative quorum. Is this OK?

Case No.

Board Member A calls Board Member B of his 8 member Board about a topic to be discussed at the next Board meeting. Board Member B calls Board Member C about the same topic, without Board Member A knowing about the call to Board Member C. The 8 Member Board has only 7 members due to a vacancy, and one other member is absent for the next meeting. Should the Board discuss the topic at its meeting?

Case No.

Board Member X unexpectedly meets another Board member of his 4 member Board at the local café and casually discusses a topic that currently involves the Board's attention. Recalling the training he received on walking quorums, he decides the discussion was fine under the Open Meetings Law because quorum to carry an action for his Board is 3. Is he correct?

AS A PRECAUTION



"Put me on your do-not-call list."

Case No.

Your Board convenes to closed session to discuss a routine disciplinary matter. One Board member sees an opportunity to have a private conversation about a recent media story about a Board decision, unrelated to the disciplinary matter, and attempts to discuss that matter. What should the Board Chair do in response?

Case No.

While in Open session, Board Member X votes against (or for) an item that the Board as a whole votes on the other side of his voting position. Board Member X is later contacted by a newspaper reporter about Board Member X's reasoning for voting the way Board Member X did, in light of the Board voting the opposite way. What should or shouldn't the Board member do in this situation?

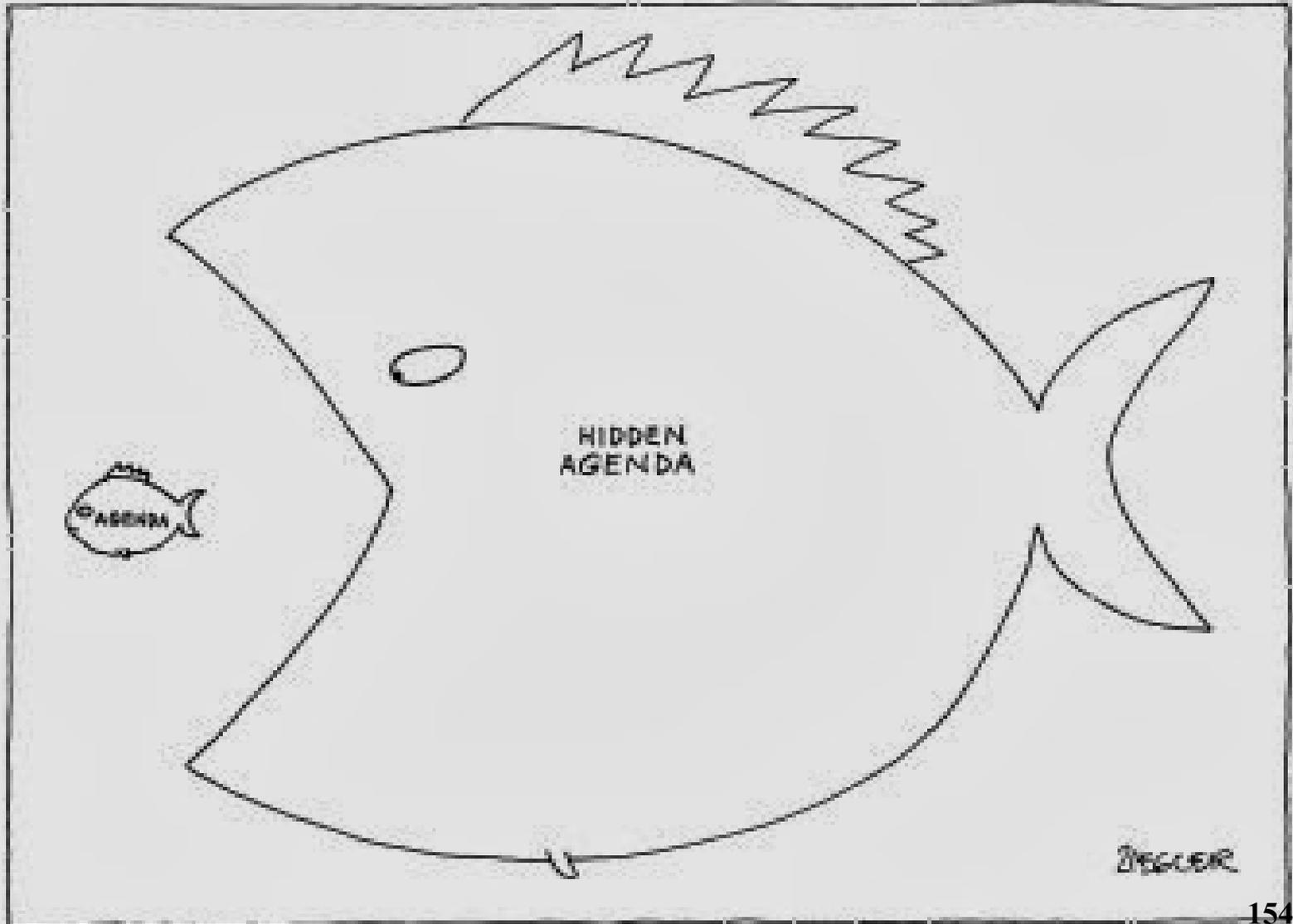
Case No.

Board Member X is confirmed as a member of a Board by the state Senate without disclosing that he is the Vice President of his professional society. He then attends DSPS Board Member Training and discovers this is a conflict of interest. What should Board Member X do next?

Case No.

Board Member X is compensated by a Continuing Education sponsor for instructional sessions he teaches for credit within his profession. His Board decides to revise its Continuing Education rule. Must Board Member X resign from the Board?

#VERYVERYBAD



Case No.

Board Member X attends the annual meeting of her professional association. At the meeting, she meets association employee Y, also a friend from college, for coffee in the lobby of the hotel.

Association employee Y offers to pay for Board Member X's coffee. How should Board Member X respond?

Case No.

Board Member X is asked to speak at his professional association's annual conference about matters unrelated to his Board work. He is offered reimbursement for travel, lunch and an honorarium. What can he accept?

Case No.

Board Member X is offered a ride to Madison for a Board meeting by a friend who is not a lobbyist. After checking the Government Accountability Board's website, he discovers his friend's company employs a registered lobbyist. Should he accept the ride or decline it?

Case No.

Board Member X is invited to deliver a speech at her professional association's Annual Conference about a rule the Board wrote. The Board reviewed and approved the Board Member's travel. The association offers to serve her lunch on the day of the speech. May she accept the offer?

Case No.

Board Member X owns one of two dental clinics in his northern Wisconsin town. The owner of the other clinic in town is before the Dentistry Examining Board for a disciplinary proceeding. What should board Member X do?

Case No.

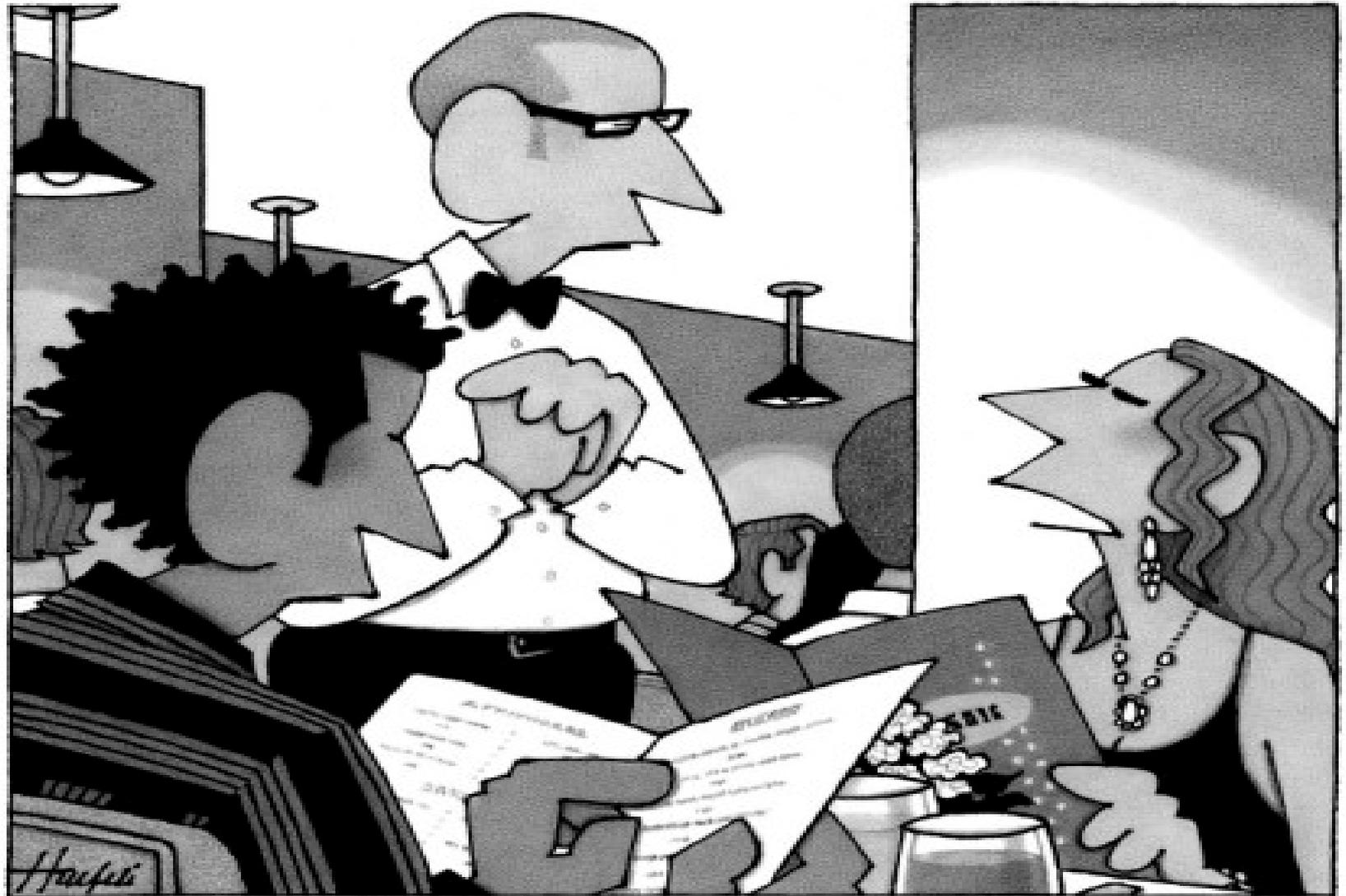
The Board Chair's spouse works in the same profession as the Board Chair. The spouse's company employs several licensees whose files come before the Board in disciplinary and application related matters. What should the Board Chair do when those cases arise?

Case No.

Board Member X is representing her Board at a national conference after the Board made a motion delegating her to attend and authorizing her travel. The conference sponsor is paying all of her conference-related expenses. She is invited to a reception by a professional organization that is holding a meeting in the same hotel. The reception is not part of the conference sponsor's program. She consumes two drinks and several appetizers at no charge. Is this OK?

Case No.

Board Member X is asked to speak at his professional association's annual conference about matters unrelated to his Board work. He is offered reimbursement for travel, lunch and an honorarium. What can he accept?



"Which entrée raises the fewest ethical issues?" AllPosters

ACKNOWLEDGEMENTS

- ▣ State of Wisconsin Government Accountability Board
- ▣ Wisconsin Department of Justice
- ▣ DSPS Staff
- ▣ Cartoon Humorists

WILL THIS GUY EVER STOP TALKING?

