

**REAL ESTATE EXAMINING BOARD
MEETING MINUTES
FEBRUARY 26, 2015**

PRESENT: Stephen Beers, Marie Hetzer (*Arrived at: 12:16 p.m.*), Michael Mulleady, Randal Savaglio, Brian McGrath, Dennis Pierce

STAFF: Brittany Lewin, Executive Director; Gretchen Mrozinski, Legal Counsel; Kimberly Wood, Bureau Assistant; Sharon Henes, Rules Coordinator; and Other Department Staff

CALL TO ORDER

Stephen Beers, Chair, called the meeting to order at 10:12 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Under Item I.8. (Open Session) ADD items D.1.a. & D.2.a. for consideration under D.1. and D.2.:*
 - Review and Respond to Clearinghouse Report and Public Hearing Comments

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

APPROVAL OF THE MINUTES

Minutes of December 4, 2014

MOTION: Brian McGrath moved, seconded by Randy Savaglio, to approve the minutes of **December 4, 2014** as published. Motion carried unanimously.

Minutes of January 6, 2015

MOTION: Dennis Pierce moved, seconded by Randal Savaglio, to approve the minutes of **January 6, 2015** as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Dennis Pierce nominated the 2014 slate of officers to continue in 2015.

Stephen Beers called for nominations three (3) times.

Nomination carried by unanimous consent.

The 2014 Slate of Officers was re-elected to continue in 2015.

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

Liaison Appointments and Delegated Authorities:

The Chair appoints the following members to:

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.

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.

PUBLIC HEARINGS

Clearinghouse Rule 15-006: Amending REEB 16.06(1)(b) – Relating to Approved Forms

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to authorize Stephen Beers to approve the Legislative Report and Final Draft for Clearinghouse Rule 15-006 amending REEB 16.06(1)(b), relating to approved forms, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

Review and Respond to Clearinghouse Report and Public Hearing Comments

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to accept all Clearinghouse comments for Clearinghouse Rule 15-006 amending REEB 16.06(1)(b), relating to approved forms. Motion carried unanimously.

Clearinghouse Rule 15-010: Amending REEB 12 and 25 – Relating to Applications and Education

MOTION: Dennis Pierce moved, seconded by Michael Mulleady, to authorize Stephen Beers to approve the Legislative Report and Final Draft for Clearinghouse Rule 15-010 amending REEB 12 and 25, relating to applications and education, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

Review and Respond to Clearinghouse Report and Public Hearing Comments

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to reject Clearinghouse comment number(s) for 1, 2a, 2h, 2j, 2o, 5b, 5c, 5e, 5r, and to accept all remaining Clearinghouse comments for Clearinghouse Rule 15-010 amending REEB 12 and 25, relating to applications and education. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULES MATTERS

Proposals for REEB 13 – Relating to Out of State Broker Cooperative Agreements

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to delegate authority to the credentialing liaison to review and approve cooperative agreements submitted to the Board, prior to promulgation of rules. Motion carried unanimously.

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to designate Randal Savaglio to approve the emergency rule creating REEB 13, relating to out-of-state cooperative Broker agreements for submission to the Governor and publication. Motion carried unanimously.

CLOSED SESSION

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

The meeting reconvened into open session at 11:21 a.m.

RECONVENE TO OPEN SESSION

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

The meeting reconvened into open session at 12:56 p.m.

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

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

(Marie Hetzer joined the meeting at 12:16 p.m.)

PETITION FOR SUMMARY SUSPENSION

15 REB 002 – Harvey J. Goldstein

MOTION: Randal Savaglio moved, seconded by Marie Hetzer, to confirm a finding of probable cause to issue the petition for Summary Suspension on the basis that the Respondent, Harvey J. Goldstein, has engaged in, or is likely to engage in, conduct such that the public health, safety of welfare imperatively requires emergency suspension of Respondent's license to practice as a Real Estate Salesperson (DLSC case number 15 REB 002). Motion carried. Recused: Stephen Beers

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to acknowledge that notice was given to Harvey Goldstein, DLSC case number 15 REB 002, of the Summary Suspension proceedings pursuant to Wis. Admin. Code SPS 6.05. Motion carried. Recused: Stephen Beers

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to issue the Order of Summary Suspension and issue the Order to Designate a Hearing Official. Motion carried. Recused: Stephen Beers

MOTION: Marie Hetzer moved, seconded by Randal Savaglio, to authorize Michael Mulleady as having the authority to act on behalf of the Board to approve and sign all Orders related to this matter. Motion carried. Recused: Stephen Beers

(Stephen Beers recused himself and left the room for deliberation, and voting in the matter concerning Harvey J. Goldstein – 15 REEB 002. Michael Mulleady, Vice Chair, assumed the role of Chair for this matter.)

MONITORING MATTERS

Michael Bannie – Requesting Full Unlimited License

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to grant the request of Michael Bannie for a full unlimited license. Motion carried unanimously.

Bradley Bernemann – Requesting Full Unlimited License

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to grant the request of Bradley Bernemann for a full unlimited license. Motion carried unanimously.

Dean Dvorak – Requesting Full Unlimited License

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to grant the request of Dean J. Dvorak for a full unlimited license. Motion carried unanimously.

Ryan Olson and River Valley Realty L.L.C. – Requesting Full Unrestricted License

MOTION: Dennis Pierce moved, seconded by Randal Savaglio, to grant the request of Ryan Olson and River Valley Realty L.L.C. for full unrestricted license. Motion carried unanimously.

Jock Phenix – Requesting Full Unrestricted License

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to grant the request of Jock Phenix for full unrestricted license. Motion carried unanimously.

Brenda L. Uotinen and Bachand Real Estate – Requesting Full Unrestricted License

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to grant the request of Brenda L. Uotinen and Bachand Real Estate for full unrestricted license. Motion carried unanimously.

PROPOSED FINAL DECISIONS AND ORDERS**Jason S Schwittay and Apple Valley Realtors, L.L.C., Respondents (DHA Case # SPS-14-0056)(DLSC Case # 13 REB 095**

MOTION: Michael Mulleady moved, seconded by Dennis Pierce, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order, with variance, in the matter of disciplinary proceedings against Jason S. Schwittay and Apple Valley Realtors, L.L.C., Respondents (DHA Case # SPS-14-0056)(DLSC Case # 13 REB 095). **Reason for Variance:** Mr. Schwittay’s license has expired and therefore the Order needs to reflect that his right to renew is revoked. Motion carried unanimously.

Kevin G. Ecker, Respondent (DHA Case # SPS-14-0007)(DLSC Case #13 REB 070)

MOTION: Randal Savaglio 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 Kevin G. Ecker, Respondent (DHA Case # SPS-14-0007)(DLSC Case #13 REB 070). Motion carried. Recused: Stephen Beers

(Stephen Beers recused himself and left the room for deliberation, and voting in the matter concerning Kevin G. Ecker, Respondent (DHA Case # SPS-14-0007)(DLSC Case #13 REB 070). Michael Mulleady, Vice Chair, assumed the role of Chair for this matter.)

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

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

1. 13 REB 011 – Mark F. Moen and Veteran Realty Group, L.L.C.
2. 13 REB 119 – Robert W. Janke

Motion carried unanimously.

14 REB 066 and 14 REB 070 – Jason A. San Miguel

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jason A. San Miguel, DLSC case number 14 REB 070. Motion carried. Opposed: Brian McGrath

ADMINISTRATIVE WARNINGS

13 REB 024

MOTION: Randal Savaglio moved, seconded by Brian McGrath, to issue an Administrative Warning in the matter of DLSC case number 13 REB 024. Motion carried unanimously.

CASE CLOSINGS

MOTION: Randal Savaglio moved, seconded by Michael Mulleady, to close the DLSC cases for the reasons outlined below:

1. 13 REB 066 – Insufficient Evidence (IE)
2. 13 REB 085 – Insufficient Evidence (IE)
3. 13 REB 101 – Insufficient Evidence (IE)
4. 13 REB 125 – Lack of Jurisdiction (L2)
5. 14 REB 005 – No Violation (NV)
6. 14 REB 026 – Prosecutorial Discretion (P7)
7. 14 REB 032 – Prosecutorial Discretion (P7)
8. 14 REB 159 – Lack of Jurisdiction (L1)

Motion carried unanimously.

14 REB 080

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to close DLSC case number 14 REB 080 for Prosecutorial Discretion (P1). Motion carried. Recused: Stephen Beers

(Stephen Beers recused himself for deliberation, and voting in the matter concerning DLSC Case # 14 REB 080. Michael Mulleady, Vice Chair, assumed the role of Chair for this matter.)

APPLICATION REVIEW

Real Estate Broker Applications

MOTION: Randal Savaglio moved, seconded by Dennis Pierce, to approve the Real Estate Broker applications of those listed below once all requirements are met:

1. Deron J. Andre
2. Ryan C. Cari
3. Grant M. Keebler
4. Courtney K. Kelbel

Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 12:56 p.m.