WISCONSIN REAL ESTATE MAGAZINE

WRA A PUBLICATION OF THE WISCONSIN REALTORS® ASSOCIATION

September 2020 Vol. 36, No. 12

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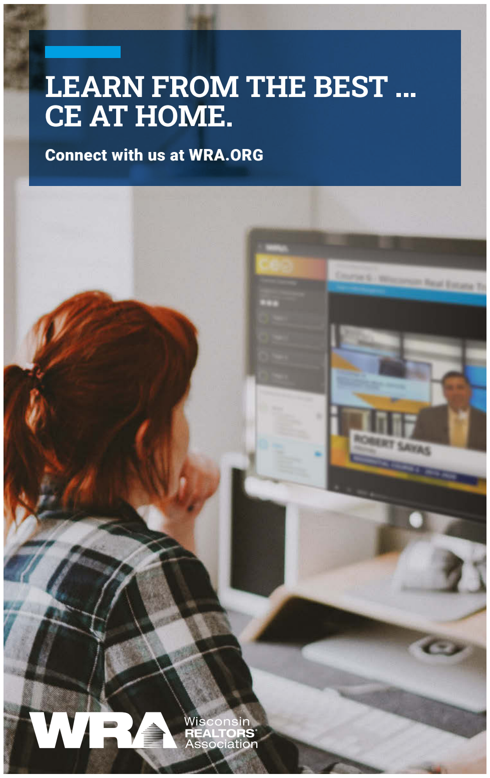

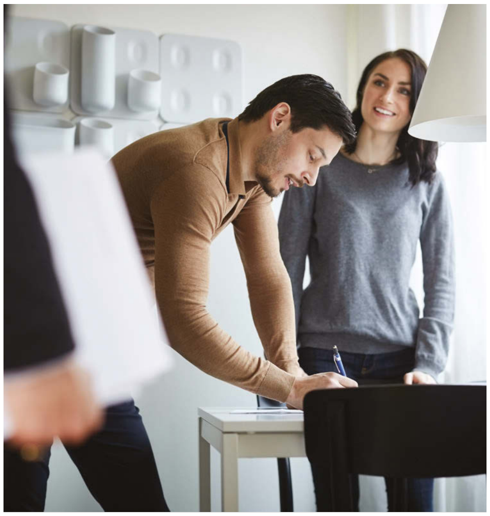

BY **DAVE CLARK**
PROFESSOR OF ECONOMICS AT MARQUETTE UNIVERSITY
PRINCIPAL AT ECON ANALYTICS, LLC
WISCONSIN MONTHLY HOUSING REPORT

Record July Home Sales **Push Prices Up**

Wisconsin's existing home sales hit a new record for the month of July, which increased prices by double digits, according to the most recent monthly analysis of the state housing market by the WRA. Sales of existing homes rose 7.6% in July relative to that same month in 2019, and the median price rose to $226,400, which is 10.4% higher than July 2019. On a year-to-date basis, sales are now only slightly lower than this time last year, with sales in the first seven months of 2020 just 1.9% below the same period of 2019, and prices are up 8.4% to $213,000.

"July was a remarkably robust month for home sales, given what we've been through the past four months," said WRA Chairman Steve Beers. A total of 9,649 homes were sold in July, the most homes sold during a July since the WRA re-benchmarked its data-collection methods in 2005. The previous record was July 2019, when 8,969 home sales closed. "What makes this record even more impressive is that it happened in an environment of extraordinarily tight inventories," said Beers.

David Clark, Ph.D., is a professor of economics at Marquette University and principal at ECON Analytics, LLC, and serves as a consultant for the WRA in the analysis of home sales data as well as in the preparation of the Wisconsin Monthly Housing Report. For more information, contact Clark at 414-803-6537.

JULY HOUSING

9,649
CLOSED SALES, JULY 2020
+7.6%
FROM JULY 2019

$226,400
MEDIAN PRICE, JULY 2020
+10.4%
FROM JULY 2019

ACTIVE LISTINGS BY PRICE

PRICE RANGE	JULY 2020 # OF LISTINGS
$0-$124,999	4,304
$125,000-$199,999	6,113
$200,000-$349,999	8,609
$350,000-$499,999	4,247
$500,000 & higher	3,542

26,814
TOTAL STATEWIDE LISTINGS
JULY 2020
-24.7% FROM JULY 2019

MEDIAN PRICES BY REGION

CENTRAL	$168,675
NORTH	$188,358
NORTHEAST	$190,000
SOUTH CENTRAL	$265,000
SOUTHEAST	$248,500
WEST	$223,450

AVERAGE DAYS ON MARKET
91 DAYS JULY 2020
COMPARED WITH
86 DAYS JULY 2019

MONTHS OF INVENTORY
4.0 JULY 2020
5.3 JULY 2019

HOUSING STATISTICS MONTHLY ACTIVITY — JULY 2020

Statewide	July 2020	July 2019	% Change	YTD 2020	YTD 2019	% Change
New Listings	10,292	11,091	-7.2%	N/A	N/A	N/A
Total Listings	26,814	35,595	-24.7%	N/A	N/A	N/A
Closed Sales*	9,649	8,969	+7.6%	45,078	45,956	-1.9%
Median Sales Price	$226,400	$205,000	+10.4%	$213,000	$196,500	+8.4%
Months of Inventory	4.0	5.3	-24.5%	N/A	N/A	N/A
Avg. Days on Market	91	86	+5.8%	N/A	N/A	N/A
Affordability Index	193	202	-4.5%	N/A	N/A	N/A

	Median Price			Closed Sales		
Region	July 2020	July 2019	% Change	July 2020	July 2019	% Change
Central	$168,675	$151,100	+11.6%	688	619	+11.1%
North	$188,358	$165,000	+14.2%	1,083	913	+18.6%
Northeast	$190,000	$173,900	+9.3%	1,710	1,626	+5.2%
South Central	$265,000	$250,000	6.0%	1,912	1,823	+4.9%
Southeast	$248,500	$220,000	+13.0%	3,348	3,175	+5.4%
West	$223,450	$193,500	+15.5%	908	813	+11.7%

*Report criteria: Reflecting data through July 2020. *Total statewide closed sales may differ from the summed regional sales due to a small number of sales not being assigned to a county.*

INSIDE THE WRA

September Is REALTOR® Safety Month

As part of the National Association of REALTORS®' (NAR) efforts to keep REALTORS® safe, September is dedicated as REALTOR® Safety Month. Both NAR and the WRA want to help REALTORS® and customers stay safe in the practice of real estate. Let's all work together and stay safe! To view NAR's safety apps, videos and more, visit **NAR.REALTOR/SAFETY.**

Legal Hotline Weekend Hours Begin October 4

In a response to member demand, the WRA is expanding the WRA Legal Hotline hours by adding a Sunday afternoon shift from 1:00 p.m. to 4:30 p.m. starting October 4. Members will no longer have to wait until Monday to get a response to a hotline question that arises after-hours on Friday or over the weekend.

As always, members can submit questions online or by phone and request a phone call, a written response, or both. The WRA knows your transactions do not stop moving just because the WRA office closes at 5:00 p.m. Friday. To help you keep those transactions moving, a WRA hotline attorney will be available on Sunday afternoons starting Sunday, October 4.

SAVE THE DATE

September 1, 2020 | WB-11 and WB-14 Mandatory Use

The WB-11 and WB-14 forms were revised. The newest versions of the forms were required for use as of September 1, 2020.

LEARN MORE: **WWW.WRA.ORG/FORMSUPDATE**

December 14, 2020 | 2019-20 Biennium Deadline

In order to maintain your Wisconsin real estate license, you must complete your 2019-20 CE credits by December 14.

COMPLETE YOUR CE WITH THE WRA: **WWW.WRA.ORG/CE**

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Madison, WI 53704-7337

Wisconsin Real Estate Magazine™ is published by the Wisconsin REALTORS® Association. Trademark issued pursuant to Wisconsin state statute.

Wisconsin Real Estate Magazine™, USPS 597-850, ISSN 1548-0526, is published monthly by the WISCONSIN REALTORS® Association, 4801 Forest Run Road, Ste. 201, Madison, WI, 53704. Periodical postage paid in Madison, WI, and additional mailing offices. An annual subscription rate of $14 is included in membership dues and a copy is mailed to every paid REALTOR® and affiliate member of the association. Nonmember subscription rate is $60.

BY **CORI LAMONT**
SENIOR DIRECTOR OF LEGAL AND PUBLIC AFFAIRS
FEATURE

What's That? Changes to the WRA Disclosure Reports? *Tell Me More!*

Last session, the Wisconsin legislature passed 2017 Wisconsin Act 338, which in part provided a more user-friendly report for a seller to complete when selling residential or vacant land. Since the implementation on July 1, 2018, of the revised Real Estate Condition Report (RECR) and Vacant Land Disclosure Report (VLDR), the WRA discovered the need to correct one statutory inconsistency, clarify a practice issue, address one minor technical modification to a question for clarification, and add a new disclosure.

Therefore, during the recent legislative session, AB 596 was introduced to address some of those changes. However, AB 596, along with a few other WRA legislative priorities — including AB 551 addressing the right to place a pier, which needed the last step to pass the Senate and be signed by the governor to become law — were not taken up as planned due to the Senate's cancellation in late March in light of COVID-19. At the time this article went to press, there was little certainty as to when or if the Senate will come back to finish any bills from this session.

However, in light of the release of the new WB-11 Residential Offer to Purchase, known as the WB-11 "Take 2" and the WB-14 Residential Condominium Offer to Purchase, both having optional use dates of August 1, 2020, and mandatory use dates of September 1, 2020, the WRA decided to take action to address some of the issues in AB 596 as much as possible outside of the legislature. If you are interested in the attempted changes to AB 596 and AB 551, see page 8. To learn more about the changes to the WB-11 "Take 2" and the WB-14, visit the WRA's forms update webpage at **www.wra.org/formsupdate**.

CHANGES TO THE WB-11 "TAKE 2" AND WB-14 TRIGGERED UPDATES TO THE RECR AND VLDR

As previously mentioned, AB 596 and AB 551 made updates to the statutory disclosures in the RECR and the VLDR. Informed about the impending legislation, the Department of Safety and Professional Services' Forms Advisory Council decided to recommend the incorporation of the changes to the WB-11 "Take 2" and the WB-14 in the respective Conditions Affecting Property or Transactions section of each form.

Although the legislation has not passed, when the forms were recommended for approval by the Real Estate Examining Board (REEB), there was general support that including the language was good public policy. Thus, the REEB approved the following language to be included in the two new forms. Further, two other items that were not a part of AB 596 and AB 551 were added due to previous pieces of legislation that passed in previous sessions or to be more consistent with statutory language.

The new language added to the two forms is underlined. Note, the language shown is from the WB-11 "Take 2".

p. Nonconforming uses of the Property; conservation easements, restrictive covenants or deed restrictions on the Property; or, other than public rights of way, nonowners having rights to use part of the Property, including, but not limited to, private rights-of-way and easements other than recorded utility easements. (See lines 154-156 in the WB-11 "Take 2" and lines 281-283 in the WB-14.)

v. A pier attached to the Property not in compliance with state or local pier regulations; a written agreement affecting riparian rights related to the Property; or the bed of the abutting navigable waterway is owned by a hydroelectric operator. (See lines 168-169 in the WB-11 "Take 2" and lines 295-296 in the WB-14.)

y. Agreements binding subsequent owners such as a lease agreement or extension of credit from an electric cooperative. (See line 174 in the WB-11 "Take 2" and line 301 in the WB-14.)

z. Owner is a foreign person as defined in the Foreign Investment in Real Property Tax Act in 26 IRC § 1445(f). (See line 174 in the WB-11 "Take 2" and line 302 in the WB-14.)

aa. Other Defects affecting the Property, including, without limitation, drainage easement or grading problems; or excessive sliding, settling, earth movement or upheavals. (See lines 176-177 in the WB-11 "Take 2" and lines 303-304 in the WB-14.)

With the goal to keep the WB forms' Condition Affecting Property or Transaction section consistent with the disclosures in the RECR and VLDR as well as the rest of the WRA's disclosure reports, the WRA decided to add the same language in italics to its respective forms. Therefore, as of September 1, 2020, the WRA's condition and disclosure reports will include these disclosures. The language has been included in italics with a note that explains the italicized language is not a statutory disclosure.

ADDED LANGUAGE IN THE RECR

In the WRA's RECR, the following language in italics has been added.

F8. *Other than public rights of way,* are you aware of nonowners having rights to use part of the property, including, but not limited to, ***private*** rights of way and easements other than recorded utility easements?

F17m. *Are you aware of a written agreement affecting riparian rights related to the property?*

F17n. *Are you aware that the property abuts the bed of a navigable waterway that is owned by a hydroelectric operator? Under Wis. Stat. s. 30.132, the owner of a property abutting the bed of a navigable waterway that is owned by a hydroelectric operator, as defined in s. 30.132 (1) (b), may be required to ask the permission of the hydroelectric operator to place a structure on the bed of the waterway.*

G4m. *Is the owner a foreign person, as defined in 26 USC 1445 (f)? (E.g. a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, or foreign estate.) Section 1445 of the Internal Revenue Code (26 USC 1445), also known as the Foreign Investment In Real Property Tax Act or FIRPTA, provides that a transferee (buyer) of a U.S. real property interest must be notified in writing and must withhold tax if the transferor (seller) is a foreign person, unless an exception under FIRPTA applies to the transfer.*

ADDED LANGUAGE IN THE VLDR

In the WRA's VLDR, the following language in italics has been added:

E8. *Other than public rights of way*, are you aware of nonowners having rights to use part of the property, including, but not limited to, ***private*** rights of way and easements other than recorded utility easements?

E16m. *Are you aware of a written agreement affecting riparian rights related to the property?*

E16n. *Are you aware that the property abuts the bed of a navigable waterway that is owned by a hydroelectric operator? Under Wis. Stat. s. 30.132, the owner of a property abutting the bed of a navigable waterway that is owned by a hydroelectric operator, as defined in s. 30.132 (1) (b), may be required to ask the permission of the hydroelectric operator to place a structure on the bed of the waterway.*

F9m. *Is the owner a foreign person, as defined in 26 USC 1445 (f)? (E.g. a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, or foreign estate.) Section 1445 of the Internal Revenue Code (26 USC 1445), also known as the Foreign Investment In Real Property Tax Act or FIRPTA, provides that a transferee (buyer) of a U.S. real property interest must be notified in writing and must withhold tax if the transferor (seller) is a foreign person, unless an exception under FIRPTA applies to the transfer.*

The WRA recommends providing the new WRA condition and disclosure reports to sellers for any new listing taken after September 1, 2020.

Cori Lamont is Senior Director of Legal and Public Affairs for the WRA.

"

However, in light of the release of the new WB-11 "Take 2" and the WB-14 Residential Offer to purchase ... the WRA decided to take action to address some of the issues in AB 596 as much as possible outside of the legislature.

ATTEMPTED CHANGES TO AB 596 & AB 551

AB 596 INTENDED TO ADDRESS FOUR REVISIONS

Inconsistency in the statute
Two different sections of Wisconsin Statute Chapter 709 provide a buyer a two-business-day right to rescind the offer or option in writing but provide inconsistent results as to the return of the buyer's earnest money when the buyer exercises those rights.

For instance, Wis. Stat. § 709.05 permits a buyer to automatically get earnest money back if the buyer exercises his or her rescission rights when:

A) The buyer receives a report after the submission of an offer or option if a defect as defined in the report is disclosed.

B) The buyer receives an incomplete report or inaccurate assertion that an item is not applicable.

C) Or the buyer receives an amended report disclosing a defect that was not previously disclosed.

Interestingly, Wis. Stat. § 709.02(1) also affords the buyer a two-business-day right to rescind in writing if the buyer does not receive the report within 10 days after acceptance of the offer or option, but does not provide the buyer the right to automatically receive the earnest money back after exercising these rights.

As a result, the two sections of the statute are inconsistent, creating confusion for the parties.

AB 596 amends Wis. Stat. § 709.02(1) to authorize the buyer to receive earnest money back if the buyer has the right to rescind the offer, creating consistency between Wis. Stat. § 709.05 and Wis. Stat. § 709.02(1).

Practice issue clarification
Rather than answering the specific questions on the disclosure report, some sellers mark an "X" through the entire report or strike a line through all "N/A" responses. This practice creates ambiguity as to whether the seller has provided the buyer a completed report.

AB 596 clarifies if the seller provides a report with strikethroughs or unanswered questions, that the form is considered incomplete, and the buyer then has certain statutory direction in Wis. Stat. § 709.05(1) as to their rescission rights.

Technical modification
When sellers are completing the current report, they are unsure as to whether they are required to disclose public rights of way. However, the question was intended to ask the seller about private rights of way impacting the land.

AB 596 modifies the items in the land use disclosure so the reports specify the disclosure applies to private and not public rights of way.

New disclosure
Federal law imposes a withholding tax on foreign sellers when they sell real property and requires buyers involved in such transactions to potentially be responsible for the tax.

The sale of a United States real property interest by a foreign seller is subject to income tax withholding under the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA). FIRPTA authorized the U.S. to tax "foreign people" selling U.S. real property interests. A "foreign person" is defined in FIRPTA as a nonresident alien individual, foreign corporation, foreign partnership, foreign trust or foreign estate; it does not include a resident alien individual. U.S. green card holders as well as U.S. citizens and non-citizens who fulfill the requirement of the substantial presence test are not subject to FIRPTA.

People buying U.S. real estate interests from foreign sellers, certain purchasers' agents and settlement officers are required to withhold 15% of the amount realized to ensure Internal Revenue Service (IRS) taxation of the gains realized on the sale. Under FIRPTA, the buyer is the withholding agent. The buyer must find out if the seller is a foreign person. If the seller is a foreign person and the buyer fails to withhold, the buyer may be held liable for the tax.

Although at this time, these transactions are infrequent due to the significant consequences for buyers failing to comply with FIRPTA, the newly revised WB-11 Residential Offer to Purchase required for use by Wisconsin real estate licensees as of January 1, 2020, includes a FIRPTA provision on lines 516-536.

AB 596 adds FIRPTA as a disclosure to the reports to help in determining if the seller is a foreign person for tax purposes.

AB 551 RESTORED RIPARIAN PROPERTY OWNERS THE RIGHT TO PLACE A PIER

For over 140 years, Wisconsin law has recognized that owners of waterfront property have riparian rights, including the right to place a pier. Unfortunately, in the 2018 *Movrich v. Lobermeier* case, the Wisconsin Supreme Court declared that some waterfront property owners do not have the right to place a pier. The court held that owners of waterfront property, along flowages in artificial waterways, do not have the right to place a pier because the lakebeds of flowages and artificial waterways are privately owned. The court decided that the owners of lakebeds can prohibit any pier from touching the bed or floating above it.

The potential impacts of this decision are far-reaching. Consider the following:

- The court's ruling applies to all flowages and other man-made bodies of water in Wisconsin.

- According to the DNR, Wisconsin has approximately 260 flowages.

- Thousands of lakes in Wisconsin are considered man-made, including large bodies of water such as Lake Koshkonong, Lake Wisconsin, and the chain of lakes in areas like Minocqua and Eagle River.

Because of this ruling, affected property owners could be forced to either remove their pier or pay several hundreds of dollars for a dock license fee to keep their existing pier. This would come as quite a shock to thousands of waterfront property owners in Wisconsin.

The legislation would restore a waterfront property owner's right to place a pier. AB 551 is critical for affected property owners, including homeowners, as well as waterfront businesses such as restaurants, marinas and gas stations.

To ensure transparency for potential purchasers, AB 551 also included questions in the RECR and VLDR asking that property owners disclose if they are aware of written agreements affecting riparian rights as well as if they are aware the property abuts the bed of a navigable waterway owned by a hydroelectric operator.

BY **DEBBI CONRAD**
SENIOR ATTORNEY AND DIRECTOR OF LEGAL AFFAIRS
LEGAL

New Contingency *for Additional Condominium Information*

Taking the pulse of the condominium association

Does a condominium buyer get enough information under the condominium offer to know what condominium association issues and major expenditures might be coming down the road? That may not have been true in the past, but a change has been made! The revised WB-14 Residential Condominium Offer to Purchase with a mandatory use date of September 1, 2020, contains an exciting new optional contingency designed to provide the buyer and the buyer's lender with the opportunity to have additional insight into the operation of the condominium association and a sharper snapshot of the financial status of the association.

The 2020 WB-14 takes much of what had been the Additional Condominium Issues paragraph in the prior 2011 condominium offer and creates in its place a new optional Contingency for Additional Condominium Information that now appears on lines 149-175.

TOO IMPORTANT TO OVERLOOK

The information listed in the Additional Condominium Issues paragraph was frequently glossed over unless the listing firm had taken this information and created a contingency in the company addenda. But this information is important for a condominium buyer to know. And now, as part of the reformatting of the WB-14, a transformation has taken place whereby those additional condominium issues will not be so easily overlooked. The Additional Condominium Issues items are now bullet points in the new optional contingency.

The items listed in the new optional contingency help the buyer take the financial temperature of the association and determine its financial health. This information can provide valuable insight into any condominium improvements or special assessments under consideration, let the buyer know if the association is involved in any litigation that may impact the association's financial status and in turn lead to a shortage in funds or additional assessments, and alert the buyer to any rule or bylaw amendments on the horizon. The buyer may want to know if the association has regular meetings, if the unit owners are active, and what issues have been discussed by the board of directors. The listed information also includes documentation that may be required by a lender or underwriter, such as the association's certificate of insurance.

The new optional Contingency for Additional Condominium Information in the 2020 WB-14 includes the following vcomponents and features.

DELIVERY DEADLINE

The Contingency for Additional Condominium Information, if the box on line 149 is checked, makes the offer contingent upon the seller delivering to the buyer, within 10 days after acceptance of the offer, the listed materials in existence as of the date on line 1 of the offer. The deadline for the delivery of the listed materials is the same as the deadline for the delivery of the required condominium disclosure materials — 10 days after acceptance of the offer.

MINIMIZE CHASING DOCUMENTS

At the same time, consideration was given to the seller and the listing firm to avoid making the new contingency too complicated to fulfill. It was important to not create unnecessary burdens on the seller to try to chase down documents that were not in existence or not available from the association. One result of this concern is that the only documents the seller must deliver are those in existence on the date on line 1 of the offer. That means if a document delivered under the new contingency is modified or changes after it is delivered, there is no obligation under the new contingency to provide the amendment or updated version. Consequently, there is no rescission right pertaining to the delivery of a material change or amendment like there is for the required condominium disclosure materials.

CUSTOMIZING LIST OF LISTED MATERIALS

When using the new contingency, the list of information, referred to as the "listed materials," is stated in bullet points for ease of use. If materials on the list are not desired or not available, they can be lined out or referred as deleted in the additional provisions section when the buyer drafts the offer. There also is the opportunity to request other documents or information by writing it in on the blank line marked "Other."

PLANNING AHEAD

By having the bullet point items listed in the optional contingency, the seller and listing firm are put on notice these are documents a buyer may ask for so they know to get in touch with the condominium association and any management company to learn what documentation is on hand and accessible, as well as what information can be produced upon request. Whenever a condominium unit is being offered for sale, it is

Lines 149-175 of the 2020 WB-14 Residential Condominium Offer to Purchase

CONTINGENCY FOR ADDITIONAL CONDOMINIUM INFORMATION: This Offer is contingent upon Seller delivering to Buyer, at Seller's expense, within 10 days after acceptance of this Offer the information listed below that exists as of the date on line 1 of this Offer:

- The Condominium Association's financial statements for the last 2 years.
- The minutes of the last 3 Unit owners' meetings.
- The minutes of Condominium board meetings during the 12 months prior to acceptance of this Offer.
- Information about contemplated or pending Condominium special assessments.
- The Association's certificate of insurance.
- A statement from the Association indicating the balance of reserve accounts controlled by the Association.
- Any Common Element inspection reports (e.g. roof, swimming pool, elevator and parking garage inspections, etc.) held by the Association.
- Information regarding any pending litigation involving the Association.
- The Declaration, bylaws, budget and/or most recent financial statement of any master association or Additional Association the Unit may be part of.
- Other: ____.

(hereinafter collectively the "listed materials").

NOTE: Because not all of the listed materials may exist or be available from the Condominium Association, Seller may wish to verify availability prior to acceptance of the Offer.

BUYER RESCISSION RIGHTS: Buyer may, within 5 business days after receipt of all the listed materials rescind this Offer by written notice delivered to Seller. If the materials are delivered to Buyer and Buyer does not receive all of the listed materials, Buyer may, within 5 business days after Buyer's receipt of the materials, either rescind the Offer or request any missing materials in writing. Seller has 5 business days after receipt of Buyer's request for missing listed materials to deliver the requested materials.
Buyer may rescind the sale within 5 business days after the earlier of Buyer's receipt of requested missing materials or the deadline for Seller's delivery of the materials.

The Parties agree that the 5 business days begin upon the earlier of: (1) Buyer's Actual Receipt of the listed materials or requested missing materials or (2) upon the deadline for Seller's delivery of the listed materials or requested missing materials.

prepared and determine the availability of the required condominium disclosure materials and the listed materials stated in the contingency. In many condominiums, the financial statements, minutes for unit owners and board of directors' meetings, and the certificate of insurance should be readily available. In fact, the seller may have received copies of these documents or links to them if the condominium association has a website or other online storage of documentation.

The note on lines 165-166 alerts sellers to verify the availability of the listed materials before they receive any offers. The seller and listing firm can prepare by rounding up the documents, or the links thereto, and letting cooperating agents know in advance if certain items are not available or may be problematic. At the same time, the buyer and the cooperating firm can find out what information will be required by the lender and be sure to request that in the contingency. The cooperating agent may wish to reach out to the listing agent to see if any items are not available. If the buyer's offer asks for documentation that cannot be obtained, that offer may be rejected or countered.

Keep in mind some of the listed materials may not exist. The seller can simply indicate, for example, there is no litigation involving the association, or there is no master or additional association.

BUYER RESCISSION RIGHTS

The new optional Contingency for Additional Condominium Information includes its own subsection of buyer rescission rights. Rescission rights are repeated in the new contingency because although they are substantially similar, they are not identical to the statutory buyer rescission rights that apply with regard to the delivery of the required condominium disclosure materials. The buyer's ability to request the listed materials is contractual only and not anchored in the statutes. Similarly, the connected buyer rescission rights are contractual, not based in the statutes.

The buyer rescission rights for the listed materials are stated separately because they are not quite the same as the statutory buyer rescission rights for the required condominium disclosures. The buyer can rescind after the materials are received within 10 days after acceptance of the offer or after going through the request for a missing materials process.

Debbi Conrad is Senior Attorney and Director of Legal Affairs for the WRA.

BY **TRACY RUCKA**
DIRECTOR OF PROFESSIONAL STANDARDS AND PRACTICES
LEGAL

The Best of the Legal Hotline: **Permit-pulling Perils**

RECR AND REMODELING

The buyer has a real estate condition report (RECR) that states the seller did work to the property; but the seller didn't pull permits. What does that mean to the property or transaction?

When work is done without permits, the municipality dictates which penalties may apply and what work needs to be done.

If the work was done without a permit, the municipality may require the permit still be pulled. This typically results in a penalty or fee for not pulling the permit in the proper time frame, such as, for example, doubling the permit fee. However, the more serious concern would be whether the municipality may require the new owner to remove or take down some of the remodeling. For example, the inspector reviewing the electrical work may need to have the walls and finished product removed to view the electrical work. Obviously, this can be an extremely high cost, and the new homeowner would be faced with finishing the project again, essentially repaying for the work. And of course, there is always the possibility that something is not up to code and needs to be fixed or replaced, even if nothing else needs to be removed to inspect it.

How are permits referenced in the RECR?

The most recent statutory changes to the RECR include the following:

> E6. Are you aware of any remodeling, replacements, or repairs affecting the property's structure or mechanical systems that were done or additions to this property that were made during your period of ownership without the required permits?

A seller is also asked to disclose whether the seller is aware that remodeling was done.

> E2. Are you aware that remodeling was done that may increase the property's assessed value?

The seller's RECR indicated the seller performed work in the basement without pulling permits. What can the buyer consider when drafting an offer in this situation?

Based on the seller's disclosures in the RECR, the offer may be drafted to require the seller to:

- Obtain the necessary permits before closing.
- Conduct inspections and obtain compliance certificates, if any.
- Or pay for any costs to repair, replace or remove work done, as the case may be.

While a buyer may purchase a property knowing the seller did not pull the required permits, the buyer is subjecting himself to potential fines and expenses. Therefore, the buyer may choose to negotiate a lower price based upon the potential increased costs. If the offer does not contain such provisions, the broand/or increased assessed value based upon the improvement. Therefore, the buyer may choose to negotiate a lower price based upon the potential increased costs.

If the offer does not contain such provisions, the broker may document the fact that the buyer was informed of the potential risks and was referred to the proper resources for information and investigation.

BROKER INVESTIGATION

The buyer asked the broker to investigate and report on the impact of no permits. Does the broker have to investigate?

When such questions arise during a transaction, best practice would be to refer the client directly to a reputable source for required factual information because an agent taking on that role may incur liability if the information provided by the agent is inaccurate or incomplete. The real estate licensee does not have an affirmative duty to investigate nor can the licensee engage in the unlicensed practice of law.

A Wisconsin licensee can be found liable for making inaccurate statements to the buyer that appear to the buyer to have been made from the broker's own personal knowledge. In Wisconsin, the law provides that a buyer should be entitled to rely on the factual statements made by a professional. Thus when a licensee receives information from the seller, the municipality, building inspector's office or another third party, and then restates the information personally in the MLS data sheet, in advertising or directly to the party as if it were fact, the licensee may be held responsible for the accuracy of the information. Accordingly, REALTORS® are recommended to specifically attribute information to its source, provide explanations and qualifiers relative to the information, and/or use general disclaimers. Disclaimers may not, however, provide certain and absolute protection in all cases. The licensee should not give the buyer legal advice regarding the transaction. Doing so may expose the licensee or the licensee's firm to potential liability.

DISCLOSURE OBLIGATIONS

What tools are available to help sellers and licensees with their respective disclosure obligations?

A prudent REALTOR® would provide the seller a copy of the WRA's Listing Questionnaire Regarding Title Issues form. Question 2 on this form asks the seller to answer yes or no to the question: "Remodeling or construction work without proper building permits?" The questionnaire is a good way to help call to mind items the sellers might otherwise forget when filling out listing paperwork.

When the seller completed the RECR, the seller stated he hadn't pulled permits for work but didn't include that information in the RECR. What is the listing agent's duty to disclose?

You have heard this time and time again: real estate licensees have a duty to disclose material adverse facts and information suggesting material adverse facts. If the seller's disclosure is incomplete, inaccurate or inconsistent with the licensee's observations and knowledge, then a written material adverse fact disclosure would be provided to the seller and potential buyers.

Is there really a risk for the seller who does not disclose information about remodeling without permits?

Yes. In the 2009 Wisconsin case Shister v. Bipin, the sellers were found liable when, after closing, the buyers discovered the sellers had remodeled the basement without permits for the repairs. The assessed value increased by nearly $60,000, which resulted in a total of $4,408.34 in increased property taxes over a period of three years, and the buyer also had to pay $2,143.20 for retroactive remodeling permits. See "The Seller's Dirty Little Secret," in the February 2015
Wisconsin Real Estate Magazine: **www.wra.org/WREM/Feb15/Secret**.

Tracy Rucka is Director of Professional Standards and Practices for the WRA.

REALTOR® SAFETY AWARENESS

A quiz to test your safety "smarts"

September is REALTOR® safety month. Safety is a serious issue for real estate practitioners, but often safety cautionary messages fade into the background when nothing bad is happening around you. It is important to remind real estate practitioners of commonsense techniques that protect against the risks threatening their safety.

Test your safety knowledge and instincts and select whichever answer or answers are correct.

OBSERVE REALTOR® SAFETY MONTH

REALTOR® safety month reminds members of the potential risks lurking in the background of real estate practice. Refresh your awareness by watching one or more safety videos. Watch the video "Beverly & Beyond: The Best Tips Learned Since Losing My Sweet Mom" at www.nar.realtor/videos/beverly-beyond-the-best-tips-learned-since-losing-my-sweet-mom or one of the other REALTOR® safety videos at www.nar.realtor/safety/safety-videos.

See the other REALTOR® Safety Program materials and safety information at www.realtor.org/topics/realtor-safety.

COVID-19 has not stopped the real estate market, but it has altered the way many real estate professionals practice: many more telecommute and work from home. What cybersecurity measures are critical for safe home operations?

A. Back up all files and data regularly separate from online systems.

B. Keep separate files and accounts for business and personal emails so that personal shopping, gaming and video streaming can continue to be done from the device used for work.

C. Update all security and antivirus software and firewalls on the device used at home including privacy tools, add-ons for browsers, router firmware, and phone apps used for business.

D. Always use a secure, password-protected Wi-Fi connection and avoid doing business over public, unsecured Wi-Fi.

The answers are A, C and D. *If a hacker or malware enters a home system, all is lost without a backup. Do not mix work and leisure activities on the same device. It is crucial to keep personal emails and messages on computers separate from those used for work as it multiplies the risk of viruses or a hack. Many homes have secure Wi-Fi, but some older installations or shared connections may not be protected. This can be an issue when multiple people connect to a shared router. See NAR's Cybersecurity Checklist: Best Practices for Real Estate Professionals at www.nar.realtor/law-and-ethics/cybersecurity-checklist-best-practices-for-real-estate-professionals and Data Privacy & Security at www.nar.realtor/data-privacy-security.*

The hackers have not taken a vacation during the coronavirus pandemic, and COVID-19 scams are their newest trick for stealing personal identification information and sending you some malware. Keeping your real estate business secure means you should observe which of these measures?

A. Lock all devices when not in use; use long, complicated passwords with letters, numbers and symbols; consider a password manager and use two-factor authentication whenever it is available.

B. Consider cyber liability insurance, a type of business insurance designed specifically to protect your business in the event of a hack, data breach or system failure resulting in data loss or financial damages.

C. Emails mentioning COVID-19 may be good to open and because this is an efficient way for charitable services and assistance centers to reach you, your staff, clients and other business contacts when soliciting donations.

D. Due to the increase in phishing scams brought on by the pandemic, it would be wise to not click links or open files in any email from a person or business you don't know; it's better to delete those emails from people you don't know.

The answers are A, B and D. *Be on the lookout for phishing emails mentioning COVID-19. Advise your staff, clients and other business contacts to be on the lookout for any email mentioning the coronavirus. These emails may request confirmation of renewal of login credentials and passwords. See "How to Keep Your Real Estate Business Secure While Working From Home" at www.nar.realtor/sites/default/files/documents/CyberPolicy-Working-From-Home-v2.pdf.*

The listing agent in northern Wisconsin received a call from a broker in the Milwaukee area. The broker wanted to meet at the listed property at 2:00 p.m. the next day for a showing. The agent wrote down the broker's name. The next day, the agent pulled into the property driveway and parked, unlocked the front door and welcomed the broker in when he arrived. Did the agent act in a safe manner?

A. Yes, because the agent is male and can handle himself.

B. Yes, because the showing was during the daytime and not at night.

C. No, because the agent did nothing to confirm who the broker was: the agent did not look him up online and did not ask for identification such as a driver's license or a picture ID.

D. No, because the agent parked his car in the driveway and thus was parked in.

The answers are C and D. *It is always best to confirm a person's identification to see if they are who they say they are. Meet new clients at the office, get a copy of his or her driver's license, and make sure everyone knows the itinerary. Parking on the road is always best so the vehicle is not blocked in and a fast exit can be made if needed. Men are not immune from being assaulted, and attacks can occur just as easily during the day as at night.*

The accessibility of affordable, wireless security systems and wireless cameras has allowed numerous property owners to have audio and video surveillance equipment on their property for their safety and security. What do agents and the parties need to know?

A. Sellers must post a note in their properties during showings to alert visitors that there is surveillance monitoring.

B. It is not an invasion of buyers' or agents' privacy when the owner of real estate has surveillance, whether audio or video, in an open house, individual showing or other viewing in connection to the sale of real estate, except surveillance in bathrooms is prohibited.

C. The owner of the real estate may not copy, sell, rent, broadcast, post, publish, distribute, disclose, transfer or otherwise share a representation of an individual recorded with a surveillance device unless it is pursuant to a court order or requested by enforcement investigating possible criminal conduct.

D. The law requires the real estate licensee to ask the seller about surveillance equipment in the property so they can warn other agents and buyers.

The answers are B and C. *The law does not require the real estate licensee to ask the seller about surveillance equipment in the property or require any disclosure by the seller or the real estate licensee as to any surveillance equipment in the property. Sellers arguably have the right to protect their property, and for safety reasons, should not have to publicly announce by posting on the property or via the MLS that there is surveillance equipment at the property. This would defeat their safety measures.*

Harassment occurs when a person engages in repeated acts that harass or intimidate another person and that serve no legitimate, valid purpose. It may include a telephonic or written threat to inflict physical injury or damage to property. Stalking is when a person knowingly alarms another by repeatedly doing things such as appearing at the home or workplace; making constant phone calls; photographing, videotaping, audiotaping or otherwise electronically monitoring or recording; sending unwanted gifts; or contacting friends, family or co-workers. How does a real estate professional best avoid becoming the target of such unwanted attention?

A. Marketing materials should be polished and professional and not include any alluring or provocative photography.

B. Personal information should be limited. Consider advertising without a photograph, home phone number and home address. Don't use a middle name or initial. Use your office address — or list no address at all.

C. Agents should use only their first initial and last name on "For Sale" signs to conceal gender and prevent anyone other than a personal acquaintance or current client from asking for an agent by name.

D. All of the above. Giving out too much of the wrong information can make an agent an easy target.

The answer is D. *Harassment or stalking can reach alarmingly dangerous and ugly levels, and it is best to not present any information or photos that might attract the attention of someone with bad intentions or make it too easy for them to intrude into an agent's personal life.*

Automated teller machines (ATMs) are a reliable convenience or a life-saver, depending upon the circumstances prompting the need for cash. Some ATMs are of the drive-up variety while others are on the street or in a building lobby. Which of the following is not a good suggestion to follow when withdrawing money from an ATM?

A. Withdraw your funds during the day at an ATM in a busy public place.

B. Pause to carefully double-check your math on your phone's calculator to make sure there are no errors in the transaction amount and verify the receipt is accurate.

C. Watch out for suspicious-looking people waiting around an ATM – they may not really be customers. If they offer to let you go ahead of them, decline politely and leave. If you have not finished your transaction, and a suspicious person approaches you, press CANCEL, retrieve your card and leave quickly.

D. When you make a withdrawal, quickly put the money away and leave. At a drive-through ATM, keep your doors locked and be prepared to drive away quickly.

The answer is B. *Any person at an ATM is vulnerable and is a potential target for criminals. Do not linger for any reason. Any computations and checking of receipts may be done later and brought to the attention of the bank at a later date if that is necessary. When at an ATM, it is always best to act quickly and move on as soon as the transaction is done.*

Not everyone agrees about the value of open houses but clearly many practitioners still host open houses even during the coronavirus pandemic. Which of the following are reasonable precautions for the safety of the parties and the agents?

A. All agents and parties must wear masks or face coverings as recommended by the CDC and the DHS. See www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html.

B. Discuss with the seller the safety precaution items in the WRA Best Practice Document for In-person Open Houses at www.wra.org/Coronavirus/Legal such as disinfection, staging areas and intervals between buyers.

C. Use the WRA's Coronavirus (COVID-19): Showings and Inspections Safety Commitment form (WRA-CVSI), available at www.wra.org/WRA-CVSI, relating to the entry into a property by a buyer and the buyer's real estate agent.

D. Standard of Practice 3-9 indicates, "REALTORS® shall not provide access to listed property on terms other than those established by the owner or the listing broker. (Adopted 1/10)." Seller open house instructions would best be in writing, perhaps in the listing contract or an amendment thereto.

The answers are B, C and D. *Masks are not required for showings and open houses because the Wisconsin mandatory mask/face covering order in effect from August 1 to September 28, 2020, does not apply to private residences, although licensees must follow the seller's instructions.*

Being with strangers alone in a house is an inherently risky situation for anyone, and that, of course, includes real estate agents who meet strangers in homes for a living. Which of the following is not good advice for showing property?

A. Inspect foreclosures and vacant property before showing them. Look for signs of drug-user hideouts as well as animals nesting. Call the police if you see someone suspicious.

B. Let the prospective buyers enter the property first so they can visualize coming home after work. Walk behind, not in front of them. Never close the door after you enter the property.

C. If you feel creeped out, take a deep breath and remind yourself to act professionally. After all, you are there to show the property to the prospects.

D. Don't go inside small spaces such as a wine cellar. Let the client tour the basement and attic without you. Avoid going into basements and other confined areas. Always position yourself between the buyer and the exit.

The answers is C. *Real estate licensees should trust their gut. If something feels off and they don't feel safe, they should immediately get out of the situation. Safety is more important than upsetting a buyer prospect.*

The nightmare is happening. The agent finds him or herself alone in a property with a person who was supposed to be a buyer prospect but has turned out to be someone who may be more interested in taking money or doing harm. Which response is the most effective?

A. Escape! Make a run for it! This assumes that you have a clear escape route and can create a diversion. For example, the agent can say he or she needs to step outside to make a phone call and then doesn't come back inside.

B. Respond physically to any force or threat of force and use your mace spray, knife, gun or other weapon.

C. If someone is coming toward the agent, he or she should hold out his or her hands in front of them and yell "Stop!" or "Stay back!" Criminals have been known to leave a victim alone if he or she yelled or showed that he or she was not afraid to fight back.

D. Not resisting might be the proper choice. An attacker with a gun or a knife may put you in a situation where you think it is safer to do what he or she says. If someone tries to rob you, give up your property, not your life.

One might tend to say A is the best answer although any of the answers might be effective depending on the situation. Trying to get away is generally the best, but whether an agent can depends on many things, including shoes and clothing, physical stamina, the terrain and proximity to the attacker. The primary goal in any incident is to escape from the danger and call for help. Responding with a weapon, on the other hand, may be the most risky. Personal safety is the priority. Property can be replaced, but the same cannot be said of a person's life and health.

Debbi Conrad is Senior Attorney and Director of Legal Affairs for the WRA.

Latest Legal Resources

As a REALTOR®, your everyday business transactions are legal in nature. Your WRA membership includes access to various WRA legal resources, all designed to ensure that you practice real estate legally and correctly. Below are the latest resources from the WRA.

LEGAL HOTTIPS

Latest Discussions on the WRA Legal Hotline

- Seller refuses to acknowledge failing drain field and claims it is a clog.
- Cooperating broker didn't order and seller didn't pay for buyer's home warranty.
- Agent with buyer agency to enter one-party listing with FSBO.
- Disclosures for land with cabin and unpermitted septic.
- Condominium association wants to charge double fees for rented units.

LEGAL NEWS EMAIL

CDC Nationwide Eviction Moratorium Order

The Centers for Disease Control and Prevention (CDC) and Department of Health and Human Services (HHS) issued an emergency order stopping landlords from evicting covered tenants who fail to pay rent beginning September 4 and running through December 31, 2020.

Landlords, owners of a residential property, property managers or other persons with a legal right to evict a tenant are prohibited from evicting any "covered person" from a residential property.

Read: **WRA.ORG/CORONAVIRUS/REGULATORY**

LEGALTALKS VIDEO SERIES

WB-11 "Take 2" and WB-14 Updates

Two recent additions to the WRA LegalTalks video library include videos highlighting the revisions made to the WB-11 "Take 2" and WB-14 forms. Both forms have a mandatory use date of September 1, 2020.

Watch: **WWW.WRA.ORG/FORMSUPDATE**

LEGAL UPDATES

Fair Housing Focus

Two recent *Legal Updates* explore fair housing law pertaining to real estate. Specific discussions in these *Updates* surround reasonable accommodations, steering, sexual harassment and more.

Read: **WRA.ORG/LEGALUPDATES**

WRA LEGAL HOTLINE

Find out applicable legal standards, alternatives and possible solutions for your real estate practice questions by contacting the WRA Legal Hotline. The hotline is a members-only service.

CONTACT:
Phone: 608-242-2296 OR 800-799-4468
Online www.wra.org/legalhotline

New Extended Hours!
Starting October 4, the hotline will be available to answer your questions during weekends. In addition to the usual Monday-Friday hotline hours, the hotline will be accessible on Sundays from 1:00 p.m. to 4:30 p.m. The extended weekend hours go into effect October 4.

Learn more:
WWW.WRA.ORG/LEGALHOTLINE

Four Effective Ways *to Work from Home More Safely*

While your new normal is likely working from home, cybersecurity experts warn that working from home increases exposure to hacking, scams and viruses. How can you make sure you're not vulnerable? Here are four simple steps you can take to stay safe from cyberthreats while working from home.

1

Keep your software ***up to date***

Most programs offer auto-updates: Microsoft, Apple and Google continuously provide updates to prevent computers from being hacked. But if you don't have the most recent version, you could be exposed.

Your vital updates are the operating systems for your computer and phone as well as your browser. Remember, an outdated browser is like giving online criminals a key to enter your computer to vandalize.

2

Secure Wi-Fi

Passwords can be a pain, but they are vital in protecting your computer, and utilizing a password-protected Wi-Fi is crucial. Be sure to avoid a password like your cell number or any common password to protect your Wi-Fi; keep it unique from all your other passwords. It's safe at home to write it down; just keep it in a drawer.

Your Wi-Fi router also needs to be current. With a current router, you will be more likely to increase your internet speed and also have built-in software, called firmware, that keeps your Wi-Fi connection safer. If you have a newer router, make sure it uses the most recent version of its firmware.

3

Don't automatically click on anything sent – even from a seemingly reliable source

Most computers are infected with a computer virus when someone clicks on a file. It can be a file that you download from the web, thinking you need it to view a document or video. Or it can be an attachment from an email and may look like it's just a photo or PDF – but it's a virus in disguise.

When working from home, you need to be extra cautious – and even suspicious – of any attachment that you receive that you are not expecting. Just send a separate email to the sender, asking them about the file they sent. While a good virus program can help deter the installation of these viruses, even the best ones are not foolproof. Always err on the side of safety.

4

Pause *before you react to a call to action*

According to Microsoft, 91% of hacking attacks come from malicious emails known as "phishing" expeditions. Experts warn about an increase in phishing during the pandemic. Phishing is not limited to email but also comes from social media platforms, such as a direct message on Facebook Messenger. In addition to COVID-19 information scams, with more people spending more time online, the scammers and hackers are out in full force with an array of ways that attempt to dupe you.

A good defense is the best offense when it comes to scams. If you remember to pause before you respond to any email request, you may be able to avoid getting hooked by a phisher. Legitimate firms are never going to send you an email out of the blue and ask you to enter your credentials for any purpose. So, if you think it might be fake, it probably is.

Remember the golden rule of online safety when working from home:
If you think before you click, you can significantly reduce potential risks.

BY **JOE MURRAY**
DIRECTOR OF POLITICAL AND GOVERNMENTAL AFFAIRS
GOVERNMENT AFFAIRS

Third-party Candidates in Wisconsin *Can Make a Difference*

High profile, third-party candidates can seriously influence top-of-the-ticket elections in Wisconsin. While third-party candidates never win, they can and sometimes swing statewide elections for Democrats or Republicans. That's why Democrats did everything they could legally do to block rapper Kanye West from appearing on the presidential ballot in Wisconsin as an independent candidate on "The Birthday Party" ticket.

Democrats were rightfully concerned that a West candidacy could siphon votes from Democrat Joe Biden. In Wisconsin and several other important states, Republican operatives assisted the West campaign to qualify the rapper for the November ballot for this reason. "The successful effort in battleground states Wisconsin and Ohio in particular raised red flags for Democrats," said Associated Press political reporter Will Weissert, "who are braced for a close race and anxious about any third-party candidate drawing voters."

There are three good reasons that both parties — specifically Democrats in this case — be concerned about credible third-party candidates in Wisconsin:

- As a swing state, Wisconsin has a long history of close statewide elections. In fact, 10 Wisconsin statewide elections over the last 20 years were nail-bitingly close. These 10 elections included presidential, gubernatorial, attorney general and state Supreme Court elections.
- Three of the past five presidential elections over these 20 years in Wisconsin were determined by less than one percentage point.
- Of the 10 close elections, six were influenced one way or the other by third-party candidates.

To understand why Democrats attempted to remove West from the November ballot in Wisconsin, these past elections illustrate the significance of third-party candidates in an election.

These six elections were all influenced by credible third-party candidates and highlight why Democrats are insistent in keeping West off the ballot in Wisconsin and why some Republicans are interested in getting him on. Politics are not always pretty to watch, but the underlying reasons for these efforts is clear when taking a close look at the numbers.

Wisconsin is a state where a credible third-party candidate can make a difference.

Stay tuned!

Joe Murray is Director of Political and Governmental Affairs for the WRA.

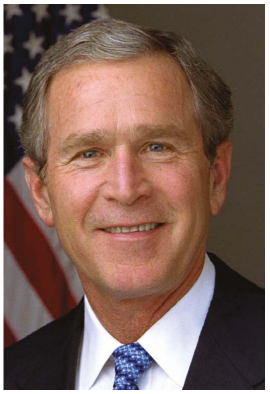
2000 Presidential Race

AL GORE (D) VS. GEORGE W. BUSH (R)

Candidate	Voter Turnout	Percentage
Gore (D)	1,242,987	48%
Bush (R)	1,237,279	47%
Nader (Green)	94,070	4%
Other	22,375	1%

ELECTION SUMMARY
Al Gore arguably might have pulled out a comfortable win in Wisconsin if Ralph Nader's Green Party had not been on the November ballot. Nader almost kept Gore from winning the Badger State in 2000. Gore defeated Bush by only 5,708 total votes.

Al Gore (D)



George W. Bush (R)

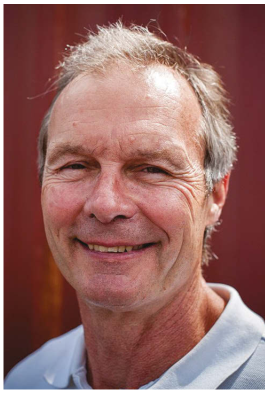
2002 Governor Race

JAMES DOYLE (D) VS. SCOTT MCCALLUM (R)

Candidate	Voter Turnout	Percentage
Doyle (D)	800,971	45%
McCallum (R)	732,796	41%
Thompson (Libertarian)	185,085	11%
Young (Green)	44,077	3%

ELECTION SUMMARY
Many political observers believe that Ed Thompson's Libertarian Party challenge kept acting Gov. Scott McCallum from being elected to a four-year term. Thompson, the brother of former GOP Gov. Tommy Thompson, was the most successful third-party candidate in the country in the 2002 election cycle by garnering 11% of the statewide vote in a close election.

James Doyle (D)



Scott McCallum (R)

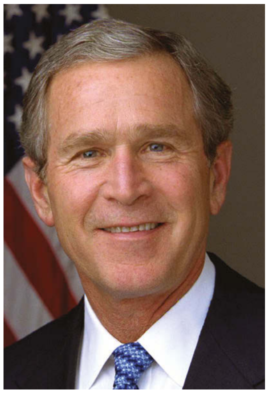
2004 Presidential Race

JOHN KERRY (D) VS. GEORGE W. BUSH (R)

Candidate	Voter Turnout	Percentage
Kerry (D)	1,489,504	50%
Bush (R)	1,478,120	49%
Nader (Independent)	16,390	1%

ELECTION SUMMARY
Ralph Nader ran for president again in 2004 and nearly cost Democrat John Kerry his narrow win in Wisconsin. Nader received only 1% of the vote, but his 16,390 votes kept the Bush-Kerry contest within half a percentage point. Kerry only carried Wisconsin by 11,384 total votes.

John Kerry (D)



George W. Bush (R)

2016 Presidential Race

HILLARY CLINTON (D) VS. DONALD TRUMP (R)

Candidate	Voter Turnout	Percentage
Clinton (D)	1,382,536	46%
Trump (R)	1,405,284	47%
Johnson (Libertarian)	106,674	3.6%
Stein (Green)	31,072	1%
Others	22,812	0.7%

ELECTION SUMMARY

Trump was the first Republican to carry Wisconsin in a presidential election since Ronald Reagan in 1984. It's conceivable that Trump might have performed more strongly if not for Libertarian candidate and former GOP governor Gary Johnson. It's equally conceivable that Hillary Clinton might have eked out a razor-thin win if not for Green Party candidate Jill Stein. Either way, the third-party influence was clear.

Hillary Clinton (D)

Donald Trump (R)

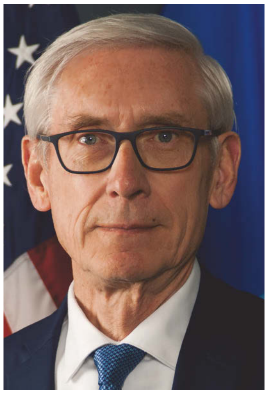
2018 Governor Race

TONY EVERS (D) VS. SCOTT WALKER (R)

Candidate	Voter Turnout	Percentage
Evers (D)	1,324,307	49%
Walker (R)	1,295,080	48%
Anderson (Libertarian)	20,225	0.76%
Turnbull (Independent)	18,884	0.71%
White (Green)	11,087	0.41%

ELECTION SUMMARY

In 2018, Tony Evers defeated Scott Walker by 29,227 votes. While the third-party influence is less clear in this election, one could still make the case that minus the Green Party candidate, Evers might have defeated Walker by a bigger margin. You could also make the case that Walker might have kept it much closer without the Libertarian Party candidate Turnbull as well. This was another close election in which the presence of third-party candidates was clear.



Tony Evers (D)

Scott Walker (R)

2018 Attorney General Race

JOSH KAUL (D) VS. BRAD SCHIMEL (R)

Candidate	Voter Turnout	Percentage
Kaul (D)	1,310,300	50%
Schimel (R)	1,287,627	49%
Larson (Constitutional Party)	47,038	2%

ELECTION SUMMARY

Josh Kaul defeated incumbent Republican Brad Schimel by 22,673 total votes. It's possible that Terry Larson, the Constitutional Party candidate, had a major influence on the outcome of this race by siphoning votes away from Schimel. It's not unreasonable to assume that a major portion of Larson's 47,038 votes were from conservative voters.

Josh Kaul (D)

Brad Schimel (R)

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GRI On Demand

Earn one of real estate's top designations without leaving the house

Succeeding in today's competitive environment takes more than just motivation. The Graduate, REALTOR® Institute (GRI) designation helps you stand out in the crowd as a REALTOR® who is well-versed in all fundamentals of real estate. The highly coveted designation shows your commitment to excellence, professionalism and exceptional customer service.

The WRA's GRI curriculum is divided into two parts: scheduled GRI training and GRI On Demand. And with GRI On Demand, you can progress through your GRI training at your own schedule whenever the time is right for you.

The WRA's proprietary On Demand education platform takes your GRI education experience a step outside of the box in terms of quality and convenience. In addition to the quality of the WRA's GRI instructors, the GRI On Demand program gives you education convenience however you want it: the On Demand platform allows you to watch instructor videos, read the digital textbooks, or do both … all with any device with an internet connection!

Start your GRI training today: www.wra.org/GRI

Business-building Books

The WRA's publication library offers several great real estate reads to give you a competitive edge.

The Honest Real Estate Agent

Your clients trust that you'll be truthful and look out for their best interests instead of being commission-oriented. In *The Honest Real Estate Agent*, Mario Jannatpour focuses on being authentic with your clients through the entire sale process since your clients rely on you for knowledge and advice from beginning to end.

SCAN HERE TO LEARN MORE AT **WWW.WRA.ORG/PUB171**

How to Have a Successful Real Estate Business … and a Life at the Same Time

Discover the stepping stones to success, both professionally and personally. In *How to Have a Successful Real Estate Business … and a Life*, Nelson Zide reveals how you can work less and earn more with systems. Specific topics touch on how to train your sellers and buyers all the way to the bank, the art of hiring good agents as well as the skill of retaining good agents.

SCAN HERE TO LEARN MORE AT **WWW.WRA.ORG/PUB1741**

FLIP: How to Find, Fix and Sell Houses for Profit

Part of the popular "Real Estate Millionaire" series, *FLIP: How to Find, Fix, and Sell Houses for Profit* is the ultimate resource for house-flipping. This publication outlines the process of flipping, from purchasing to lucrative selling. Profits are in your future with the FLIP five-step system, which Rick Villani and Clay Davis outline in this book.

SCAN HERE TO LEARN MORE AT **WWW.WRA.ORG/PUB1645**

Give Your Social Media Marketing an Upgrade

CRS VIRTUAL LEARNING | SEPT. 25 AND OCT. 2

Social media has become a cornerstone of real estate marketing, and no business can expect to be successful without using at least one platform. But social media marketing is more than having an account and posting about new listings. How can you effectively utilize social media in your marketing? Find out with instructor and tech guru Marki Lemons in the upcoming "Digital Marketing: Establishing a Social Media Brand" course!

Course Location: Virtual streaming

GET STARTED TODAY: WWW.WRA.ORG/CRS

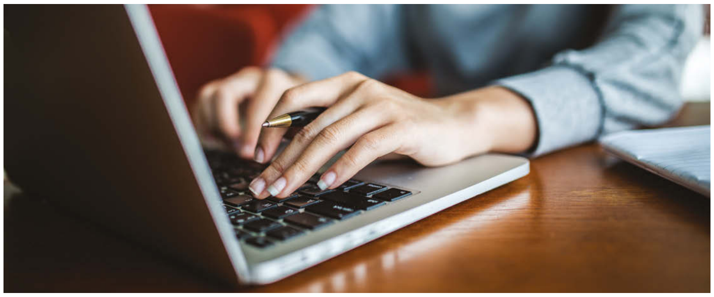
Real Estate Success Secrets, Unveiled

CRS VIRTUAL LEARNING | OCT. 2 AND OCT. 16

Instructor and entrepreneur Marki Lemons gives you the inside secrets that make successful agents different from the average agent. This course gives specific strategies and marketing systems to move your business to the next stage of success both professionally and financially. No matter your experience level, you'll discover how to take your business to the next stage of success.

Course Location: Virtual streaming

GET STARTED TODAY: WWW.WRA.ORG/CRS



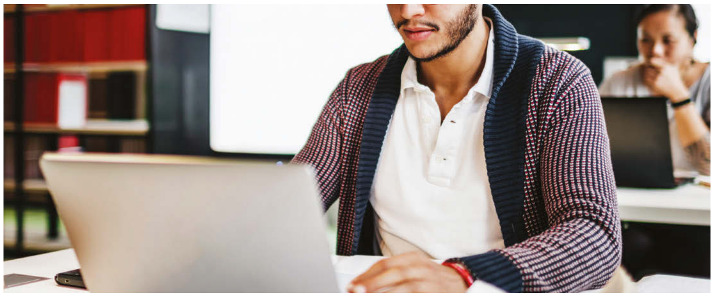
Sales Pre-license Blended Training

SALES PRE-LICENSE VIRTUAL LEARNING | OCT. 12-16, OCT. 19-21

Are you looking for new licensees for your team? Your recruits can gain the knowledge they need for a real estate career with the WRA's sales pre-license blended training. This format combines the best of both worlds: livestreamed instruction with online education. This course includes eight livestreamed training sessions in October as well as online course activities for a flexible and interactive education experience.

Course Location: Virtual streaming

MORE INFORMATION: WWW.WRA.ORG/SPLBLENDED



Improve Your Buyer Representation

ABR LIVE TRAINING COURSE | OCT. 26 -27

The Accredited Buyer's Representative (ABR) designation equips you with the skills for representing buyers during the homebuying process. With October's ABR training course, you'll gain the tools to build a buyer representation business, guide buyer-clients through the home-search process, negotiate buyer-clients' offers to a successful close, and more.

Course Locations: Live in Madison; webcasts to Appleton, Milwaukee and Woodruff

MORE INFORMATION: WWW.WRA.ORG/ABR

TRAINING PRODUCT	TRAINING FORMAT	DETAILS & REGISTRATION
PRE-LICENSE TRAINING		
ONGOING VIRTUAL TRAINING		
Broker Pre-license Course	On Demand & Online	www.wra.org/BPL
Sales Pre-license Course	On Demand & Online	www.wra.org/SPL
SCHEDULED TRAINING		
Sales Pre-exam Review Webinar: Oct. 2, 2020	Livestream	www.wra.org/SPLwebinar
Sales Pre-exam Review Webinar: Nov. 6, 2020	Livestream	www.wra.org/SPLwebinar
PROFESSIONAL DEVELOPMENT		
ONGOING TRAINING		
GRI On Demand	On Demand	www.wra.org/GRI
Home Essentials	Online Video Series (5 episodes)	www.wra.org/HomeEssentials
Line by Line Forms Training	Online Video Series (19 episodes)	www.wra.org/LinebyLine
Quick Start	On Demand	www.wra.org/QuickStart
EDTalks Speaker Education Showcase	Online Video Series (10 episodes)	www.wra.org/EDTalks
Thursday Takeaways	Online Video Series (50 episodes)	www.wra.org/ThursdayTakeaways
SCHEDULED TRAINING		
CRS: Establishing a Social Media Brand: Sept. 25, 2020	Virtual livestream	www.wra.org/CRS
CRS: Establishing a Social Media Brand: Oct. 2, 2020	Virtual livestream	www.wra.org/CRS
CRS: 7 Things Successful Agents Do Differently: Oct. 9, 2020	Virtual livestream	www.wra.org/CRS
CRS: 7 Things Successful Agents Do Differently: Oct. 16, 2020	Virtual livestream	www.wra.org/CRS
ABR Designation Course: Oct. 26-27, 2020	Madison + remote webcasts	www.wra.org/ABR
REAL ESTATE CONTINUING EDUCATION		
ONGOING VIRTUAL TRAINING		
Real Estate CE Courses 1-6 (residential)	Live, On Demand, Self Study	www.wra.org/19-20CE
Real Estate CE Courses 1-6 (commercial)	On Demand	www.wra.org/19-20CommCE
Wisconsin and Minnesota CE Dual Credit	Live, On Demand	www.wra.org/WisMinnCE
SCHEDULED TRAINING		
Course 3: Sept. 22, 2020	Virtual livestream	www.wra.org/VirtualCE
Courses 3 & 4: Sept. 22, 2020	Duluth	www.wra.org/DuluthCE
Courses 5 & 6: Sept. 23, 2020	Duluth	www.wra.org/DuluthCE
Courses 5 & 6: Sept. 29, 2020	Virtual	www.wra.org/VirtualCE
Courses 1 & 2: Oct. 1, 2020	Milwaukee	www.wra.org/MilwaukeeCE
Courses 1 & 2: Oct 7, 2020	Grafton	www.wra.org/GraftonCE
Course 1: Oct. 8, 2020	Madison	www.wra.org/MadisonCE
APPRAISAL CONTINUING EDUCATION		
SCHEDULED TRAINING		
Better Safe Than Sorry: Oct. 5, 2020	Virtual livestream	www.wra.org/AppraisalCE
Performing USPAP-compliant Appraisal Reviews: Oct. 6, 2020	Virtual livestream	www.wra.org/AppraisalCE

Check Out THE LATEST CONTENT

LEGAL UPDATE LIVE

Latest legal news in Wisconsin real estate

RECENT EPISODE

EP. 8: "Landlords Beware: What You Need to Know About the New Nationwide Eviction Moratorium"

Episode 8 reviews the following:

- The CDC's eviction moratorium order.
- A tenant declaration: what is it and what does it say?
- Which evictions are impacted.
- NAR perspective: Possible Congressional action and possible litigation.

This episode also included Megan Booth, NAR's Director of Federal Housing, Valuation, Commercial Real Estate Policy & Programs, as a special guest.

Watch: wra.org/LUL/episode8

CAPITOL INSIGHTS

Podcast highlighting real estate advocacy

RECENT EPISODES

EP. 8: "The Current Political Landscape in Wisconsin and Why You Should Care"

EP. 7: "Home Inspectors: If it's a Defect, Then Call it a Defect ... Please!"

EP. 6: "Politics and Cow Manure"

EP. 5: "Residential Evictions Down 30% Statewide"

EP. 4: "Could Some Wisconsin Waterfront Property Owners be Pierless in Paradise?"

Listen: www.wra.org/capitolinsights

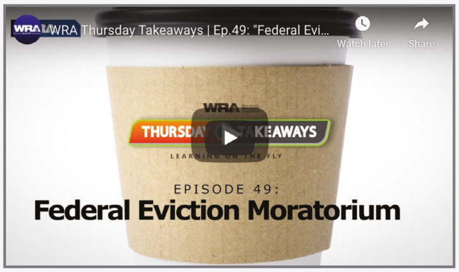
EDTALKS

Free webinars from world-class real estate instructors

Watch: wra.org/edtalks

THURSDAY TAKEAWAYS

Weekly guide on sales tips for your business



Watch: wra.org/thursdaytakeaways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Down payment assistance helps your home buyers achieve their home ownership goals. Visit www.wheda.com to learn more about WHEDA's Easy Close Advantage.
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