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BY **DAVE CLARK**
PROFESSOR OF ECONOMICS AT MARQUETTE UNIVERSITY
PRINCIPAL AT ECON ANALYTICS, LLC

WISCONSIN MONTHLY HOUSING REPORT

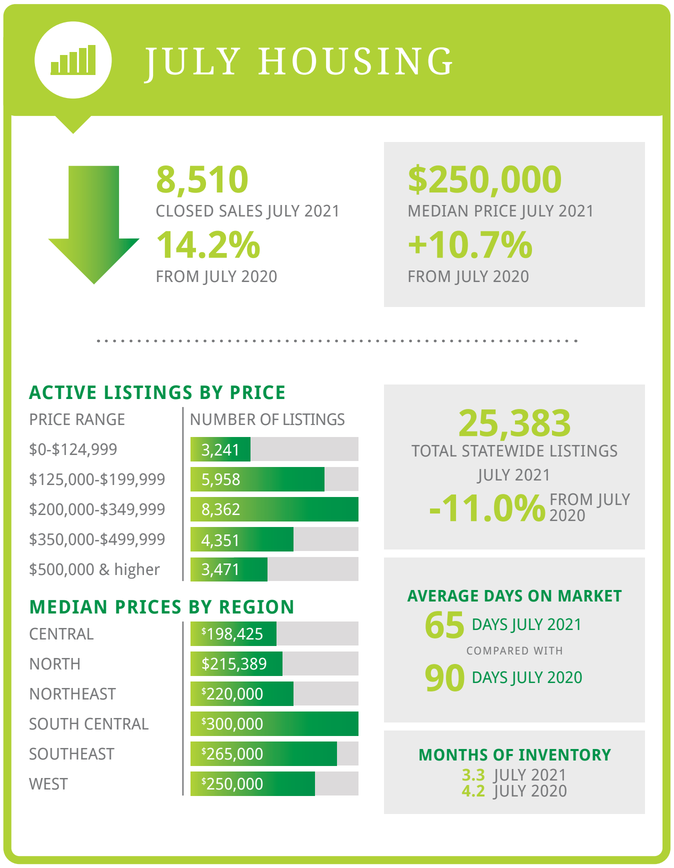
HOME SALES MODERATE *in July as Prices Continue to Rise*

The housing report at a glance:

- July 2021 home sales fell 14.2% relative to July 2020, the strongest July home sales on record. The statewide median price rose to $250,000 in July, an increase of 10.7% over the past 12 months.
- Every region in the state experienced a decline in sales over the last 12 months, with the strongest reductions in the Central, North, West and Northeast regions. The reduction was less severe in the more urban regions of the state, including the South Central and Southeast regions.
- On a year-to-date basis, sales are still in positive territory, with existing home sales up 3.9% for the first seven months of 2021 relative to that same period in 2020. Median prices are up 12.4% to $240,000 year to date.

See the full report: www.wra.org/HSRJuly2021

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



HOUSING STATISTICS MONTHLY ACTIVITY

Statewide	July 2021	July 2020	% Change	YTD 2021	YTD 2020	% Change
New Listings	10,793	10,739	+0.5%	N/A	N/A	N/A
Total Listings	25,383	28,533	-11.0%	N/A	N/A	N/A
Closed Sales*	8,510	9,915	-14.2%	47,259	45,464	+3.9%
Median Sales Price	$250,000	$225,900	+10.7%	$240,000	$213,500	+12.4%
Months of Inventory	3.3	4.2	-21.4%	N/A	N/A	N/A
Avg. Days on Market	65	90	-27.8%	N/A	N/A	N/A
Affordability Index	190	203	-6.5%	N/A	N/A	N/A

	Median Price			Closed Sales		
Region	**July 2021**	**July 2020**	**% Change**	**July 2021**	**July 2020**	**% Change**
Central	$198,425	$167,250	+18.6%	526	700	-24.9%
North	$215,389	$188,304	+14.4%	854	1,100	-22.4%
Northeast	$220,000	$190,000	+15.8%	1,468	1,779	-17.5%
South Central	$300,000	$265,000	+13.2%	1,734	1,953	-11.2%
Southeast	$265,000	$245,800	+7.8%	3,176	3,445	-7.8%
West	$250,000	$222,000	+12.6%	752	938	-19.8%

*Report criteria: Reflecting data through July 2021. *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 efforts by the National Association of REALTORS®' (NAR) to keep REALTORS® safe, September is dedicated as REALTOR® Safety Month. NAR's REALTOR® Safety Program is designed to reduce the number of safety incidents that occur in the industry so every REALTOR® reaches their home safely every night.

Further your commitment to safety with NAR's complete REALTOR® Safety Program online. You'll find various resources so you can remain cognizant and keep safety top of mind:

- Planning your safety strategy
- Tips and best practices
- Training videos and webinars
- Safety articles
- Personal protection resources
- REALTOR® safety network
- Safety pledge

Let's all work together to stay safe. Together, we can improve the safety culture of the real estate industry — here in Wisconsin and across the country. Talk about safety. Create a safety plan. Follow your plan. And encourage your fellow REALTORS® to do the same.

Learn more about REALTOR® Safety Month: nar.realtor/safety

SAVE THE DATE

WRA Annual Convention: October 4-6, 2021

Live or virtual: pick how you want to play

The WRA's biggest game of 2021 is next month. Let your real estate all-star emerge with expert training and national speakers in a new convention format. Want to play the game but stay at home base? You still get to play! Live or virtual: choose your experience.

See more gameday details on page 38.

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EDITORIAL STAFF
Publisher: Michael Theo
Editor: Lauren B. Hubbard
Art Director: Mike Keegan
Managing Editor: Robert Uhrina

CONTACT INFORMATION
4801 Forest Run Road, Ste. 201
Madison, WI 53704-7337
608-241-2047 • 800-279-1972
email: editor@wra.org
website: www.wra.org

POSTMASTER: Send address changes to:
Wisconsin REALTORS® Association
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BY **CORI LAMONT**
SENIOR DIRECTOR OF LEGAL AND PUBLIC AFFAIRS
FEATURE

What Not to Do

A look at recent DSPS disciplinary cases

Professionalism has been identified by both the WRA board of directors and members as one of the WRA's biggest priorities. This article shares some recent examples of actions and behaviors that led to the Real Estate Examining Board (REEB) taking disciplinary action against real estate licensees. Simply stated, this article provides examples of what not to do as a Wisconsin real estate licensee.

All Wisconsin real estate licensees are regulated by the Department of Safety and Professional Services (DSPS) and, more specifically, the REEB. In 2021, the REEB launched an electronic newsletter, which can be found at dsps.wi.gov/Pages/BoardsCouncils/RealEstate/Newsletter.aspx. The REEB intends to publish the newsletter three times a year as a way to offer guidance regarding REEB policies, current administrative rule projects, WB forms updates and disciplinary actions taken by the REEB.

All disciplinary actions are available to the public, including those imposed by the REEB. To search by board or specific profession, visit online.drl.wi.gov/orders/searchorders.aspx.

It is also important to note that when a real estate licensee who is also a REALTOR® has acted unethically or incompetently, there are three different avenues for calling the REALTOR® out on their behavior. All three of these options can be exercised; it is not necessary to choose only one.

1. File a complaint at the DSPS.
2. File a complaint at the local REALTOR® association.
3. File a lawsuit.

See Jennifer Lindsley's article on page 12 to learn more about the complaint process and where to file at both the DSPS and the REALTOR® association.

Note that the facts of the cases have remained substantially similar to the language used within the DSPS orders.

Disburse per the CAMR

Facts

- Broker's license was first issued on October 17, 2006; current through December 14, 2022.
- October 8, 2018, the DSPS received a complaint alleging Respondent refused to return earnest money owed to Complainants.
- A case was subsequently opened for investigation.
- In 2018, Respondent represented the seller in a real estate transaction in Madison.
- June 11, 2018, Complainants submitted a WB-11 Offer to Purchase for the subject property, which included an Appraisal Contingency.
- July 2, 2018, the appraisal of the property reported a lower price than the accepted purchase price. The parties could not come to an agreement on a new purchase price.
- July 6 and 9, 2018, Complainants and the seller signed the WB-45 Cancellation Agreement and Mutual Release (CAMR), which stated that the earnest money would be returned to Complainants.
- Shortly after signing the CAMR, Respondent refused to return the earnest money to Complainants and accused Complainants of "fixing" the appraisal to get out of purchasing the subject property.
- November 26, 2018, Respondent stated Complainants had improperly used the appraisal to get out of purchasing the subject property in order to pursue another nearby property.
- December 31, 2018, Complainants' agent's firm stated complainants could not "fix" the appraisal because the appraisal was generated independently without input from the buyers, agents or lender.
- Complainants' agent's firm also stated the other property pursued by Complainants was not actually listed on the MLS until July 9, 2018, after the CAMR had been signed.

Violations

- Failing to properly disburse trust funds from a firm's real estate trust account. Wis. Admin. Code § REEB 18.09(I).
- Failing to act to protect the public against fraud, misrepresentation and unethical practices. Wis. Admin. Code § REEB 24.03(2)(b).

Discipline

- Within 60 days of the order date, successfully complete six hours of education on the topic of ethics, and one course of education on the topic of contract law, including taking and passing any exam(s) offered for the course(s).
- Within 90 days of the order date, pay the costs of $1,745.

Canceled showing doesn't permit agent to go through seller's belongings

Facts

- Salesperson's license was first issued on August 1, 2018; expired as of December 15, 2020.
- February 6, 2019, the DSPS received a complaint alleging Respondent went through Complainant's personal belongings while showing Complainant's home. Subsequently a case was opened for investigation.
- May 11, 2019, the DSPS emailed Respondent and Respondent's employer to request a response to the complaint.
- May 20, 2019, Respondent stated he had an appointment to show Complainant's home in Tomah, Wisconsin, on February 4, 2019. Respondent stated when the prospective buyers decided not to view the home, Respondent decided to view the home himself. Respondent admitted that this was unprofessional and unethical.
- May 21, 2019, Respondent's employer stated they had terminated Respondent, and that the company had reviewed security camera footage that depicted Respondent moving through the home and opening and shutting drawers or cabinets.
- June 3, 2020, Respondent stated he was no longer working as a real estate salesperson.

Discipline

- Voluntary surrender of right to renew salesperson's license.

Offer must be in writing and follow client's directions

Facts

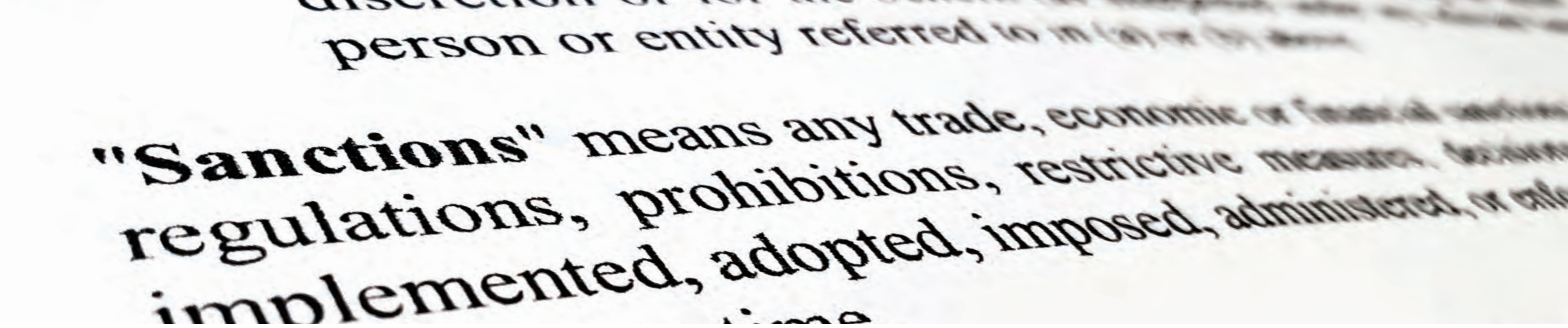
- Salesperson's license was first issued on June 13, 2005, and current through December 14, 2022.
- December 27, 2018, the DSPS received a complaint alleging Respondent had acted improperly during a real estate transaction.
- December 1, 2017, Respondent drafted a WB-1 Residential Listing Contract – Exclusive Right to Sell between Respondent and the property seller. Line 20 of the form states the marketing of the property may include "NO SIGN."
- November 27, 2018, the agent of a potential buyer (VW) drafted an offer to purchase (OTP) the seller's property. The OTP states it could be personally delivered to Respondent, faxed to Respondent or emailed to Respondent. Lines 459 to 461 of the OTP state the offer was presented to the seller by Respondent and the offer is countered. However, the OTP does not state when it was presented to the seller, and the seller did not initial the OTP at all. Respondent asserts seller declined to sign the OTP.
- The transaction file contains a WB-44 Counter-Offer to VW's OTP. Lines 36 to 38 of the counter-offer state that it was drafted by Respondent on November 29, 2018. The seller did not sign the counter-offer.
- April 10, 2019, Respondent stated he told VW to contact the seller directly to negotiate VW's OTP.
- April 10, 2019, Respondent stated Respondent received a verbal OTP from a potential buyer in March 2018. Respondent stated he wrote an OTP for the potential buyer, but he did not have the potential buyer sign the written OTP, and he did not present the written OTP to the seller, as the seller declined to review written offers. Instead, Respondent presented the verbal OTP to the seller and encouraged the seller to respond to the verbal OTP.
- April 10, 2019, Respondent acknowledged the seller requested that no signs be used in the listing of the seller's property, but stated during the last month of the listing contract he put up an "arrow sign" on the highway and road pointing toward the seller' s property.

Violations

- Failing to put an offer to purchase in writing. Wis. Admin. Code § REEB 24.08.
- Failing to provide brokerage services with reasonable skill and care pursuant to Wis. Stat. § 452.133(4m)(a). Wis. Stat. § 452.133(I)(b).

Discipline

- Within 60 days of the order date, successfully complete three (3) credits of remedial education on the topic of business ethics, and three (3) credits of remedial education on the topic of approved forms, including taking and passing any exam(s) offered for the course(s).
- Within 90 days from the order date, pay costs in the amount of $748.



Use the correct forms and don't practice without a license

Facts

- Broker's license was first issued on September 9, 2019; current through December 14, 2022.
- May 29, 2018, the DSPS received a complaint from E.A., who had signed a listing contract with Respondent on April 10, 2017, for the sale of her rental house. E.A. raised a number of issues in her complaint.
- November 29, 2018, the DSPS sent a letter to Respondent asking for a response to the issues raised by E.A. as well as a copy of her entire transaction file. The response was due on December 29, 2018.
- December 29, 2018, Respondent emailed her response. This response was a timeline of events in her representation of E.A. Respondent did not include any documentation.
- January 3, 2019, Respondent emailed again and stated she did everything she could to help E.A. sell her home. She stated she was attaching some documents relating to an offer made on E.A.'s home. The two documents provided were a CAMR, signed on July 6, 2017, relating to an offer made on May 29, 2017, as well as an offer made on July 3, 2017, which E.A. rejected on July 6, 2017. Respondent did not include any additional documents.
- In the timeline provided by Respondent, she states they received a cash offer on April 20, 2017. She stated E.A. rejected the offer because it was too low. Respondent did not provide any documentation relating to this offer.
- According to E.A. and Respondent, Respondent found new potential buyers for E.A.'s home, and on October 11, 2017, Respondent prepared a WB-11 Offer to Purchase on their behalf. On this form, Respondent listed herself as the "Agent of Buyer," rather than "Agent of Buyer and Seller." No buyer agency agreement between Respondent and the potential buyers was supplied to the DSPS.
- E.A. accepted the offer, and it was scheduled to close on November 15, 2017. However, the buyers had trouble obtaining financing for the house, and closing was rescheduled for March 15, 2018. The transaction did not close on March 15, 2018. The DSPS did not receive any documentation regarding either of the changed closing dates.
- March 21, 2018, E.A.'s daughter spoke with Respondent's supervising broker and requested the offer be terminated. E.A. met with the supervising broker on March 23, 2018, and signed a CAMR.
- Respondent stated in her response to the DSPS when the closing was postponed in November 2017, E.A. had suggested she go back to renting the house. Respondent stated she suggested the interested buyers could rent the house with an option to buy.
- Respondent did not provide a copy of a property management agreement with E.A. or the renters. She also does not reference having prepared or signed such an agreement.
- Respondent stated in her response to the DSPS that E.A. agreed to rent to the buyers. Respondent told E.A. she did not need to hire an attorney and she (Respondent) would get a lease. Respondent provided a lease that did not appear to be from the Wisconsin REALTORS® Association, an attorney or Respondent' s broker.
- Respondent claimed she met in person with E.A. and the renters on December 3, 2017, and everyone signed the lease. However, at the top of the lease document, it states that it was executed on December 1, 2017. Above the signature lines, it states, "The parties have agreed and executed this agreement on November 19th 2017." Further, next to E.A.'s signature is the date "12/11/2017." There is no date listed next to the renters' signatures.
- Respondent's salesperson's license and broker's license both lapsed after neither was renewed by December 14, 2020. On January 28, 2021, Respondent renewed her broker's license.
- According to the Multiple Listing Service (MLS), Respondent listed a house for sale on January 15, 2021.

Violations

- Failing to use approved forms in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms. Wis. Admin. Code § REEB 16.06(8).
- Failing to put in writing all listing contracts, guaranteed sales agreements, buyer agency agreements, offers to purchase, property management agreements, option contracts, financial obligations and any other commitments regarding transactions, expressing the exact agreement of the parties. Wis. Admin. Code § REEB 24.08.
- Failing to use approved forms in a transaction in which the licensee was acting in a capacity as a licensee. Wis. Admin. Code §§ REEB 16.03(e) and 16.05(3).
- Failing to provide brokerage services with reasonable skill and care, pursuant to Wis. Stat. § 452.133(4m)(a). Wis. Stat. § 452.133(1)(b).
- Practicing real estate without a license. Wis. Stat. § 452.03.

Discipline

- Within 90 days of the order date, complete an education course on the topic of business ethics, including taking and passing any exam offered for this course.
- Within 90 days of the order date, complete an education course on the topic of consumer protection, including taking and passing any exam offered for this course.
- Within 90 days from the order date, pay costs of $814.

Need written agency disclosure statement

Facts

- Broker's license was first issued on May 30, 2012; current through December 14, 2022.
- Business entity license was first issued on May 8, 2013; current through December 14, 2022.
- October 9, 2019, the DSPS received a complaint alleging Respondents did not fulfill their verbal agreement with Complainant to rehabilitate and manage two of Complainant' s properties. A case was subsequently opened for investigation.
- In April 2018, Complainant purchased two real estate properties in Milwaukee, Wisconsin, with Respondent as agent.
- December 2, 2019, the DSPS emailed Respondent to request a copy of the transaction file for Complainant's two properties.
- December 3, 2019, Respondent emailed the transaction file to the DSPS.
- The DSPS reviewed the transaction file and determined the Respondents did not provide Complainant a written copy of the disclosure statement described in Wis. Stat. § 452.135(1)(a).
- April 6, 2020, the DSPS emailed Respondent to request the complete transaction file, including the written buyer agency agreement and any disclosures provided to Complainant.
- April 6, 2020, Respondent emailed the DSPS and confirmed there was no buyer agency agreement between Respondents and Complainant. Respondent was not able to provide the DSPS a copy of any disclosure statement provided to Complainant.

Violations

- Negotiating on behalf of a party who is not the firm's client without providing to the party a copy of the written disclosure statement provided in this statute. Wis. Stat. § 452.135(1)(a).

Discipline

- Within 60 days of the order date, successfully complete one course of education on the topic of transaction documents, including taking and passing any exam(s) offered for the course(s).
- Within 90 days from the order date, pay one-half of the costs in the amount of $682.
- Within 90 days from the order date, business entity to pay one-half of the costs in the amount of $682.

Drafting errors in offers matter

Facts

- Salesperson's license was first issued on March 20, 2015; expired on December 15, 2018.
- December 5, 2018, a DSPS investigator sent a memorandum to the REEB explaining in his work on another case, which involved Respondent's Dwelling Contractor Certification, he had discovered a number of issues that he thought might constitute rule or law violations relating to Respondent's real estate salesperson's license. In that case, the DSPS revoked Respondent's Dwelling Contractor Certification due to unsatisfied construction liens and foreclosure judgments against him in Wisconsin circuit courts. The DSPS opened an investigation regarding Respondent's real estate license.
- December 12, 2018, the DSPS sent a letter to Respondent at his address of record to request a written response to the allegations and a copy of the transaction file.
- December 17, 2018, Respondent replied and stated he thought this case had been closed. He stated he no longer had any information regarding the transaction at issue. He did not provide any documentation.
- December 18, 2018, the DSPS received the transaction file from Respondent' s former supervising broker.
- The WB-11 Offer to Purchase the Respondent drafted for client G.M., signed on April 18, 2017, included the following errors:
    - On Line 1, Respondent entered his name instead of the drafting date.
    - On Lines 5 and 6, Respondent did not properly enter the town information.
    - Respondent did not enter the property address at the tops of pages 3, 5, 7 and 9.
    - On line 459, Respondent did not enter his Real Estate Business Entity.
- Respondent informed the DSPS that he no longer works in real estate and will not seek to renew his license for the foreseeable future.

Violations

- Failing to provide brokerage services with reasonable skill and care, pursuant to § 452.133(4m)(a). Wis. Stat. § 452.133(1)(b).
- Failing to use approved forms in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms. Wis. Admin. Code § REEB 16.06(8).

Discipline

- Voluntary surrender of right to renew salesperson's license.

Honesty is the best policy

Facts

- Salesperson's license was first issued on April 19, 2017; current through December 14, 2022.
- November 27, 2018, the DSPS received a complaint from J.D., a licensee who represented the sellers in a transaction in which Respondent represented potential buyers.
- Respondent and J.D. and their clients executed an offer to purchase on November 5, 2018.
- Respondent scheduled a home inspection for November 12, 2018.
- J.D. stated, "When follow up was made after inspection, I was told all went well." J.D. later found out that the buyers never showed up for the inspection.
- November 26, 2018, J.D. again contacted Respondent, and he told J.D. he had been unable to contact the buyers and that they would no longer be purchasing the property.
- March 18, 2019, the DSPS emailed Respondent and requested a response to the complaint along with his entire transaction file. Respondent sent in his response on March 25, 2019. The response included only a partial transaction file. The documents contained limited correspondence between Respondent and J.D. and did not include any correspondence with the buyers.
- May 7, 2019, the DSPS emailed Respondent and again requested the entire transaction file, including all correspondence between him and the buyers. Respondent replied on May 14, 2019, stating he had changed his cell phone and he lost a lot of texts, but he was working on gathering everything to send to the DSPS.
- December 11, 2019, having not received a response from Respondent to the May email, the DSPS contacted Respondent again by email and requested the correspondence between him and the buyers. Respondent replied the same day and provided some text messages between himself and the buyers.
- In a text dated November 30, 2018, one of the buyers stated, "This should have been canceled the day that we said we could not afford payment."
- On the WB-11 Offer to Purchase Respondent drafted for the buyers, he failed to indicate which party he was representing on lines I and 2 of the form.

- In his written response to the complaint, Respondent stated he scheduled the home inspection, but the buyers decided to reschedule it. On the rescheduled date, neither the inspector nor the buyers showed up. He called the inspector, who told him the buyers had canceled it.
- Respondent stated he told J.D. the inspection needed to be rescheduled. He did not tell J.D. that he could not locate the buyers.
- Respondent stated he attempted to contact the buyers multiple times, even after the earnest money deadline passed. Respondent stated since the buyers did not comply with the earnest money terms, he assumed the buyers were out of the contract.

Violations

- Failing to provide brokerage services honestly and fairly, pursuant to § 452.133(4m)(a). Wis. Stat. § 452.133(1)(a).
- Failing to provide brokerage services with reasonable skill and care, pursuant to § 452.133(4m)(a). Wis. Stat. § 452.133(1)(b).
- Failing to respond to the DSPS and the REEB regarding a request for information within 30 days of the date of the request. Wis. Admin. Code § REEB 24.17(5).

Discipline

- Within 90 days of the order date, pay costs of this matter in the amount of $928.

Complete addenda correctly and provide accurate information

Facts

- Broker's license was first issued on January 2, 2005; current through December 14, 2020.
- October 24, 2018, the DSPS received a complaint alleging that Respondent reported an incorrect closing price for a property to the REALTORS® Association of Northeast Wisconsin MLS. The DSPS subsequently opened the case for investigation.
- On June 22, 2017, Respondent drafted a RANW Addendum A to the Offer to Purchase that failed to either select or waive the Non-Conforming Property, Variances and Conditional Use Permits, Floodplain/Wetlands and Radon Testing contingencies.
- Complainant provided an October 24, 2018, MLS listing showing an incorrect closing price of $749,000 for Wxx _____ Lane. Respondent corrected the MLS listing on January 17, 2018.
- August 1, 2019, a DSPS investigator verified that the MLS data sheet for Wxx _____ Lane accurately reflected the closing amount of $650,000.

Violations

- Failing to provide brokerage services with reasonable skill and care, pursuant to Wis. Stat. § 452.133(4m)(a). Wis. Stat. § 452.133(1)(b).
- Failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual instruction of the person for whom the licensee uses the forms and prepares the addenda. Wis. Admin. Code § REEB 16.06(8).

Discipline

- Within 90 days from the order date, successfully complete one remedial education course on the topic of approved forms and one remedial education course on the topic of office management, and passing any exam(s) offered for the course(s).
- Within 90 days from the order date, pay the costs in the amount of $780.

Know how to set up and manage trust accounts

Facts

- Broker's license was first issued on April 25, 2011; current through December 14, 2022.
- Real Estate Business Entity was first issued on December 6, 2011; expired on December 15, 2018.
- Broker is identified in DSPS records as the responsible licensee of the LLC.
- March 23, 2018, the DSPS received a complaint against Respondents from D.T., who owns two properties that the property company manages. D.T. alleged the company had made billing errors, failed to transfer security deposit funds to his trust account and refused to comply with an audit, among other allegations. The case was opened for investigation.
- The DSPS sought a response from the broker as to D.T.'s complaints. As part of her response, the broker provided emails and bank statements regarding her interactions with D.T. The documentation the broker provided showed the security deposits D.T. had requested were sent to D.T. on March 19, 2018, and D.T. deposited the checks on March 27, 2018.
- The bank account from which the broker wrote the checks for the security deposits did not appear to be a trust account. Additionally, the account had several debit entries for restaurants, retail establishments, gas stations, etc; that were posted between March 1, 2018, and March 12, 2018.
- May 24, 2018, the DSPS requested the company establish a trust account by June 24, 2018, and provide month-end reports for the subsequent two months. The DSPS provided a copy of Form 235 8, "Requirements for Real Estate Trust Account Bookkeeping System," to the broker to educate her on what information she needed to provide the DSPS.
- June 18, 2018, the DSPS auditor spoke to the broker and explained her company needed to maintain one or more trust accounts for both tenant rent payments and security deposit funds. The broker indicated she had previously attempted to set up a trust account, but her bank was confused by the type of account she wanted to establish.
- July 6, 2018, the broker faxed a form to the DSPS indicating she had opened a new bank account with a $100 deposit, but the account name did not indicate it was a trust account as required.
- August 1, 2018, the DSPS auditor emailed the broker and requested she provide documentation proving trust account compliance, including a cash journal/checkbook register; a list of all client accounts the company managed; the trial balance for each client account as of June 30, 2018; trust account statements for May, June and July 2018; and reconciliation detail reports for May through July 2018.
- August 13, 2018, in correspondence to the DSPS, the broker wrote she had previously kept records via spreadsheets and was unable to provide bank statements. The broker stated security deposits were returned in checks written to tenants, a monthly statement to the property owner or a check written to the owner. The broker provided account spreadsheets, copies of canceled checks and copies of monthly statements to owners. The account spreadsheets omitted February 2018.
- Between September 10, 2018, and November 15, 2018, the broker emailed the DSPS her client account summary spreadsheets and bank statements for August, September and October 2018. The bank statements indicated the broker established a "Basic Business Checking" account, entitled with the company name and the words "trust account."
- The statement indicated two deposits were made on August 7, 2018, in the amounts of $100 and $27,682. An amount of $204.70 was debited from the account on August 23, 2018, for

"___ ___ Chk Orders," which is a check-printing company.

- The August 2018 account balance was off by $204.70, and September 2018 was off by $209.70.
- The October 2018 account spreadsheet indicated there should have been $25,567 in the account, but the bank statement indicated there was $25,877.30 in the account.
- The documents note $525 was disbursed to property owner and noted that this disbursement occurred in August 2018 via a statement, not a check. The broker stated she erroneously paid this out from the "operating account," not the trust account.
- The broker never provided the cash journal/checkbook register or bank statements for May, June and July 2018.
- According to the DSPS auditor, the broker state the real estate business entity held collected rents for owners, but these funds were not deposited into a trust account.

Violations

- Failing to deposit rent payments in a real estate trust account. Wis. Admin. Code § REEB 18.031.
- Comingling personal funds or other funds in the real estate trust account. Wis. Admin. Code § REEB 18.10(1)(a).
- Failing to maintain a record, called a journal, showing the chronological sequence in which real estate trust funds were received and disbursed, according to subs. (a)-(d). Wis. Admin. Code § REEB 18.13(1).
- Failing to maintain a record including the receipts and the disbursements as they affect each particular transaction, including transactions between buyer and seller, landlord and tenant, etc. The ledger entry shall include the names of all parties to a transaction, the dates and the amounts received, and the name of the party or parties providing the money if different from the buyer. Ledger entries shall include at least the date; payee; number of the check, share draft or draft; and amount when funds are disbursed. The ledger shall include a running balance and segregate each transaction. The firm shall maintain a separate ledger or separate section of the ledger for each of the various kinds of real estate transactions, including sales, rental collections, or mortgage and land contract collections. Wis. Admin. Code § REEB 18.13(2).
- Failing to reconcile the real estate trust account in writing each month, except in the case where there has been no activity during the month. The written reconciliation shall include at least the ending account statement balance; the date and amounts of the deposits in transit; the number of the check, share draft or draft; and amount of checks, share drafts, or drafts written but not paid by the depository institution as of the ending date shown on the account statement to be reconciled; and the reconciled account statement ending balance. Wis. Admin. Code § REEB 18.13(3).
- Failing to prepare or have prepared a written listing of all open items in the real estate trust account. The written listing shall be referred to as the "trial balance." The listing shall include at least the names of all parties to the transaction and the amount held in trust for the parties at the time corresponding to the account reconciliation. The firm may, in lieu of the names of the parties to the transaction, substitute the ledger page number or other means of identification from the ledger to label the funds in the trial balance. Wis. Admin. Code § REEB 18.13(4).
- Failing to review the reconciled account statement balance, open ledger account listing, and journal running balance to ensure that all of these records are valid and in agreement as of the date the account statement has been reconciled. Wis. Admin. Code § REEB 18.13(5).
- Failing to provide brokerage services with reasonable skill and care and failing to safeguard trust funds and other property held as required by rules promulgated under § 452.13(5). Wis. Stat. § 452.133(1)(b) and (I).
- Demonstrating incompetency to act as a broker in a manner that safeguards the interests of the public, pursuant to Wis. Admin. Code § REEB 18.14. Wis. Stat. § 452.14(3)(i).

Discipline

- Prohibited from holding client funds in trust.
- Within 90 days from the order date, the broker shall pay costs of $1,656.

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

BY **JENNIFER LINDSLEY**
STAFF ATTORNEY AND DIRECTOR OF TRAINING
LEGAL

Sometimes You Just Need to Complain

A How-to Guide to Filing a DSPS or REALTOR® Code of Ethics Complaint

Nobody wants to be a tattle tale. It can be uncomfortable to report an agent to the Department of Safety and Professional Services (DSPS) or the local REALTOR® association for bad behavior when you might have to work with that agent in future transactions or you are concerned the person will be spiteful or retaliate for the complaint. Remember, however, that Wis. Admin. Code REEB § 24.03(2)(b) says, "Licensees shall act to protect the public against fraud, misrepresentation and unethical practices." The "shall" in that sentence means licensees must do this — not just when it is convenient or comfortable — but all the time.

Does the obligation to protect the public against fraud, misrepresentation and unethical practices mean that a licensee's first and only response to another agent's bad behavior is to file a complaint? Of course not! A licensee may first try speaking with the agent who is engaging in behavior that either violates license law or the REALTOR® Code of Ethics or both. If a friendly chat is not successful, the licensee or the licensee's supervising broker may consider reaching out to the errant agent's supervising broker for some assistance in stopping or correcting the bad behavior. When the WRA Legal Hotline receives a call from a member who is frustrated with another agent's behavior, the suggestion may be to contact the agent's supervising broker. But what happens when the bad agent is the supervising broker? In that case, or when informal discussions with the agent or the agent's supervising broker are not sufficient to remedy the bad behavior, the obligation to protect the public from fraud, misrepresentation and unethical practices, the licensee might be left with no other choice but to file a complaint with the DSPS and/or the agent's local REALTOR® association.

Who can file a DSPS complaint against an agent and for what can an agent receive DSPS discipline?
Anyone can file a complaint, and the burden of proof in a disciplinary proceeding is a preponderance of the evidence. Preponderance of the evidence means the greater weight of the evidence. The party with the stronger evidence, however slight the advantage may be, should win under a preponderance of the evidence standard.

While a person files a complaint with the DSPS, it is actually the Real Estate Examining Board (REEB) that issues the discipline. Agents can be disciplined for any violation of Wis. Stat. Chap. 452 Real Estate Practice or applicable administrative code provisions such as failing to give agency disclosure, incompetent drafting of contracts or missing a deadline in a transaction.

ACTIONS FOR WHICH A LICENSEE CAN BE DISCIPLINED

- Lying on an application, renewal form or in information furnished to the DSPS
- Making a misrepresentation in a transaction
- Lying to parties or other agents
- Accepting payment for brokerage services from someone other than the agent's firm
- Violating trust account rules
- Demonstrating incompetency
- Paying or offering to pay commission or valuable consideration to a non-licensed person for brokerage services or referrals
- Engaging in steering
- Engaging in fraud or dishonest dealings
- Violating any provision of Wis. Stat. Chap. 452 or any of the administrative code provisions promulgated under it, such as the REEB rules
- Failing to use approved forms
- Treating someone unequally on the basis of their membership in a protected class
- Being convicted of a crime that substantially relates to real estate

What are the steps in the DSPS complaint and subsequent disciplinary process?
First, a person makes a complaint to the DSPS. A person can use the online complaint form; or they can print the complaint form, complete it and then mail, fax or email it to the DSPS. Both the online complaint form and the printable form are available at dsps.wi.gov/Pages/SelfService/FileAComplaint.aspx. A person using the online complaint form must supply certain information such as the person's name, address and email address. This might discourage a person from making a valid complaint because they do not want their name associated with the complaint. In that case, the person might choose to print the complaint form and complete it anonymously for submission to the DSPS. Obviously the DSPS may have a harder time investigating an anonymous complaint as it will be impossible to follow up with the person who made the complaint if additional

information is needed. Some complaints, though, may be established sufficiently by evidence submitted with the complaint that the DSPS investigative staff has enough to pursue it. Something like an agent advertising without including the agent's firm's name, advertising property that is listed with another firm without the firm's permission or a fair housing violation might be able to be supported sufficiently with documentation submitted with the complaint. In this case, the DSPS would not need to reach out to the person who made the complaint to pursue an investigation.

Once a complaint has been made, anonymously or otherwise, it is in the **Intake** stage. The Division of Legal Services and Compliance (DLSC) receives and processes complaints. Copies of the complaint and related information are then screened by the REEB screening panels and DLSC staff to determine if an investigation is warranted. Complaints that do not warrant investigation are closed. Complaints that appear to have merit or require further investigation are identified for investigative action, and a case is opened. If a complaint warrants investigation, it moves to the **Investigation** stage. The assigned DLSC investigator and attorney develop an investigative plan. Investigative staff gather necessary evidence and make contacts with witnesses as needed. It is important to remember that licensees shall respond to the DSPS and the REEB regarding any request for information within 30 days of the date of the request. This means that if the DSPS and/or the REEB contacts a licensee requesting information, the licensee must respond within 30 days of the request even if the licensee is not the subject of the underlying complaint. The REEB may reprimand a credential holder, or may deny, limit, suspend or revoke a credential if the credential holder fails to respond to the satisfaction of the REEB within 30 days of a request for information from the REEB. After collecting necessary information, an REEB member is consulted on issues requiring professional expertise. The results of the investigation are provided to and discussed with the case advisor.Cases that do not warrant professional discipline are closed.

Cases with violations proceed to the **Legal Action** stage. DLSC compliance attorneys review the results of the investigation and pursue disciplinary action when appropriate. Cases may resolve by means of stipulated agreements, informal settlement conferences or administrative warnings. The case advisor will be asked for assistance on matters involving professional expertise and for their opinion on appropriate case resolution. If no satisfactory resolution is available, the case proceeds to the **Hearing** stage, which is a formal legal proceeding. The DLSC attorney litigates the case before an administrative law judge (ALJ). The ALJ issues a proposed decision that is reviewed by the REEB or the DSPS. If a violation is found, discipline may be imposed. Disciplinary orders may include reprimand, limitation, suspension and revocation.
In addition, the DSPS can assess against a licensee a forfeiture of not more than $1,000 for each violation and require a licensee to successfully complete education or training, in addition to any education or training required for licensure or for renewal of a license under this chapter, as a condition of continued licensure or reinstatement of a license. Disciplinary orders are monitored for compliance by DLSC monitoring staff.

What is an administrative warning?
If the REEB determines there is evidence of misconduct by an agent, the REEB can close the investigation by issuing an administrative warning to the agent. An administrative warning can be issued when the REEB determines that no further action is warranted because the complaint involves a minor violation, and the issuance of an administrative warning protects the public by putting the agent on notice that any subsequent violations may result in disciplinary action. Administrative warnings do not constitute an adjudication of guilt or imposition of discipline and cannot be used as evidence that the credential holder is guilty. If there are subsequent allegations of misconduct, the administrative warning can be used in subsequent disciplinary proceedings as evidence that the agent had knowledge that the misconduct that was the basis for the administrative warning was contrary to law. A record of the issuance of an administrative warning is public, but the contents of the administrative warning are private and confidential.

Is there a statute of limitations for investigation by the REEB?
There is no statute of limitations for investigation of an agent by the REEB. There is a two-year statute of limitations on actions concerning an act or omission of a firm or a licensee associated with a firm, but that does not apply to disciplinary actions initiated by the REEB.

Does a licensee who is the subject of a DSPS complaint have to pay for this process?
If the REEB orders a suspension, limitation or revocation of the credential; assesses a forfeiture; or reprimands the holder, the REEB may also assess all or part of the costs of the proceeding against the agent. The REEB may not restore, renew or otherwise issue a license to a person who owes costs related to a disciplinary proceeding until the agent has made payment for the costs, including interest.

What about seeking assistance from a local REALTOR® association for an agent misbehaving?
A licensee who has encountered another agent's bad behavior has some alternative or concurrent options if the agent is a REALTOR® member. In addition to or instead of seeking correction from the DSPS, a licensee can seek assistance from the offending agent's REALTOR® association. REALTOR® associations offer ombudsman services as well as mediation as alternatives or precursors to filing a complaint at the association.

REALTOR® ombudsman
An ombudsman is an impartial person who offers general information about real estate practice, license law, the Code of Ethics, and the ethics and arbitration hearing processes. The ombudsman responds to general questions about real estate practice, transaction details, ethical practices and enforcement issues. Participation in ombudsman services is voluntary. Any inquiries or information obtained via the ombuds process are subject to confidentiality. The ombudsman's role is primarily one of communication and conciliation, not adjudication. An ombudsman does not determine whether ethics violations have occurred or who is entitled to compensation; rather the person anticipates, identifies and resolves misunderstandings and disagreements before matters ripen into formally filed arbitration requests or possible formal charges of unethical conduct.

REALTOR® mediation
In the mediation process, disputing parties meet with a neutral mediator to reach a mutually agreeable solution or settlement of their dispute. The objective in mediation is for the parties to resolve the dispute and enter into a written mediation resolution agreement stating the terms of their settlement, thereby avoiding the need to arbitrate a matter or have an ethics hearing if there is an alleged violation of the Code of Ethics. Mediation may be used in contract disputes between REALTORS® including procuring cause claims or referral fee disputes. In Wisconsin, mediation may also be used to resolve certain alleged Code of Ethics violations. However, if the alleged activity could be a violation of the public trust, the mediator would stop the mediation and the potential complainant has the choice to file a formal ethics complaint.

REALTOR® ethics complaint process
Any person, whether a member or not, having reason to believe a member is guilty of any conduct contrary to the Code of Ethics subject to disciplinary action, may file a complaint in writing. The person filing the complaint does so in their own name, dating and signing the complaint. The ethics complaint also will state the facts on which the complaint is based.

The articles in the Code of Ethics are the specific obligations that can subject the member to disciplinary action. Any ethics complaint must cite an article since that is the standard by which REALTORS®' conduct is judged; a Standard of Practice may only be cited in support of a charge that an article was violated. The complaint must also include the date the complainant became aware there was a potential violation.

Upon the submission of a complaint, association staff forward the complaint to a grievance committee, which reviews the complaint and any supporting evidence and documentation. The committee will review whether the complaint is in acceptable form, the correct parties are named and it was timely filed. The grievance committee also considers if the facts, if taken as true, could reflect a possible violation of the Code of Ethics. The grievance committee may forward a complaint, amend a complaint or dismiss it. If the complaint goes to a hearing, each party may prepare evidence and testimony and bring witnesses. The complainant has the burden of proof, by clear, strong and convincing evidence, to show the respondent has violated the Code of Ethics. The respondent will have the opportunity to defend their conduct with evidence, testimony and witnesses.

If a REALTOR® is found in violation of the Code of Ethics as a result of the ethics hearing, the local association has several options relating to discipline. Discipline may consist of any or a combination of the following:

- Letter of warning or reprimand with a copy to be placed in the member's file.
- Education including appropriate course or seminar specified by the hearing panel.
- Appropriate and reasonable fine not to exceed $15,000.
- Suspension of membership of the individual.
- Expulsion from membership of the individual, with or without reinstatement privileges.
- Suspension or termination of MLS rights and privileges.

What about arbitration? Is that part of the discussion when an agent is behaving badly?
Arbitration is used for settling certain contractual and non-contractual disputes, such as questions of compensation and procuring cause; it is not for addressing an agent behaving badly. Per Article 17 of the REALTOR® Code of Ethics, REALTORS® both have a duty and a privilege to arbitrate certain contractual and non-contractual disputes.

Article 17
In the event of contractual disputes or specific non-contractual disputes as defined in Standard of Practice 17-4 between REALTORS® (principals) associated with different firms, arising out of their relationship as REALTORS®, the REALTORS® shall mediate the dispute if the Board requires its members to mediate. If the dispute is not resolved through mediation, or if mediation is not required, REALTORS® shall submit the dispute to arbitration in accordance with the policies of the Board rather than litigate the matter. … The obligation to participate in mediation and arbitration contemplated by this Article includes

the obligation of REALTORS® (principals) to cause their firms to mediate and arbitrate and be bound by any resulting agreement or award. (Amended 1/12)

• Standard of Practice 17-1
The filing of litigation and refusal to withdraw from it by REALTORS® in an arbitrable matter constitutes a refusal to arbitrate. (Adopted 2/86)

• Standard of Practice 17-2
… Article 17 does not require REALTORS® to arbitrate in those circumstances when all parties to the dispute advise the Board in writing that they choose not to arbitrate before the Board. (Amended 1/12)

When an arbitrable issue arises, an arbitration request may be filed by either firm involved in the dispute. Generally, the firm requesting payment of the compensation files the request. However, it is also possible for the firm in possession of the funds to file the arbitration to keep the funds. In such a case, the arbitration panel would determine whether there is an obligation to pay or not. Requests for arbitration must be filed within 180 days after the closing of the transaction, if any, or within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

Hopefully, this how-to guide for filing a complaint at the DSPS and/or local REALTOR® association sits on your shelf and gathers dust because you never need to report another agent. There are times, though, when someone's behavior requires correction. A licensee is encouraged to try the informal ways to address bad behavior by first reaching out to the agent's supervising broker; but when that is not enough, know that both the DSPS and local REALTOR® associations provide avenues to address these issues. And remember, an agent has a duty to protect the public from fraud, unethical practices and misrepresentation — meaning sometimes an agent may have to shine a light on another agent's bad behavior by contacting the DSPS and/or the agent's local REALTOR® association.

Jennifer Lindsley is Staff Attorney and Director of Training for the WRA.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TREBLE
BASS
MASTER
ACCOUSTIC
HARD ROCK
HEAVY METAL
BLUES
POP
FUNK
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BY **DEBBI CONRAD**
SENIOR ATTORNEY AND DIRECTOR OF LEGAL AFFAIRS
LEGAL

The Best of the Legal Hotline

There's a complaint for that!

We want real estate professionals to have a good reputation among buyers and sellers throughout Wisconsin. Real estate licensees should act legally — follow the law — and of course, behave professionally! Although there is reluctance at times to file a complaint, sometimes that is the only way to get the point across, particularly when friendly discussions and broker-to-broker conversations have not changed the negative behavior. This becomes more important when the other agent's actions are impacting a member of the public. There is a risk the negative impression will spread throughout the community.

The following questions and answers describe issues worthy of a complaint to the Department of Safety and Professional Services (DSPS). In fact, some of them describe scenarios where a complaint recently was filed. For each situation, the appropriate "punchline" at the end of each answer would be, "file a complaint."

WAITING TOO LONG ON THE RETURN OF EARNEST MONEY

The deal went bad. The seller presented a signed Cancellation Agreement and Mutual Release (CAMR). The buyers also signed, and then it was returned to the listing agent. How long does he have to turn the CAMR into the listing office so the earnest money can be disbursed? Also how long does the listing firm have to distribute the earnest money? The agent is not certain if there are hard deadlines with regards to this and any consequences if they are not met. For example, a landlord has 21 days to return the security deposit and, if he does not, then he could be liable for damages.

Although there is no specific time frame in license law, it can be assumed the earnest money is to be returned within a reasonable time once the CAMR has been fully executed. Here both parties have signed the CAMR, but the listing agent has not turned it in to the office. The buyer's agent can ask to have his broker speak to the listing broker about this situation. Another choice may be to send a copy of the signed CAMR to the listing broker. If the listing broker does not promptly disburse the earnest money, the buyer or cooperating agent/firm may wish to file a complaint with the REEB against the listing firm. The complaint might be for violation of the trust account rules in Wis. Admin. Code § REEB 18.09 and the licensee duties in Wis. Stat. § 452.133 because they are not disbursing as directed by the parties in writing and they are not providing services with reasonable skill and care. The complaint might also cite a failure to perform in a competent manner per Wis. Stat. § 452.14(3)(i) and Wis. Admin. Code § REEB 24.03 because they are refusing to make an authorized disbursement.

For further discussion of earnest money issues, see *Legal Update* 00.10, "Trust Account Basics," at www.wra.org/LU0010 and the fall 2011 WRA *Broker Supervision Newsletter*, "Trust Accounts: Are You Prepared for an Audit?" at www.wra.org/bsnfall11.

PAYING FOR LEADS

What's the proper way to deal with agents who are paying people for leads? The firm's agents are seeing more and more people in the general public holding potential referrals basically hostage until they get the highest price. The broker for the firm was contacted and offered a referral, but first the person wanted to know much they'd get for the referral fee. "What percent will I get?" The person evidently gets paid $1000s from other agents. He said he would not give the broker the name unless she would pay. How

is the firm supposed to deal with this if the firm finds out which agents are doing this?

Payment of referral fees to unlicensed individuals is a violation of license law. Wis. Stat. § 452.19 provides the following with regard to fees and commissions:

(1) No licensee may pay a fee or a commission or any part thereof for performing any act specified in this chapter or as compensation for a referral or as a finder's fee to any person who is not licensed under this chapter or who is not regularly and lawfully engaged in the real estate brokerage business in another state, a territory or possession of the United States, or a foreign country.
(2) If a licensee is associated with a firm, all fees or commissions and any part thereof for performing any act specified in this chapter and all compensation for a referral or as a finder's fee shall be paid to the firm.

If the supervising broker or any of her agents can determine which licensees are paying referral fees to unlicensed individuals, the supervising broker may contact that agent or the agent's supervising broker and remind them that the payment of referral fees to unlicensed individuals is prohibited. If that does not yield results, they should file a complaint with the DSPS.

NO PERMISSION FOR RADON TESTING

What recourse does a listing agent have when a buyer does an unauthorized radon test? The listing agent informed the buyer's agent that this was requested by the home inspector, and the buyer's agent confirmed the test was canceled, but it wasn't. The property is vacant, so the seller didn't know the canister was placed in the home. The seller later received an amendment to pay for a radon mitigation system because the test came back high. Now if the transaction falls apart, the seller is required to disclose and is not happy.

The Inspection Contingency in the residential offer is designed for inspections only, not testing. In addition, at lines 184-185, the WB-11 Residential Offer to Purchase states: "Except as otherwise provided, Seller's authorization for inspections does not authorize buyer to conduct testing on the Property."

Unless a testing contingency was included, the offer to purchase does not grant the buyer, or his home inspector, authority to test for radon. If testing is not authorized in the offer to purchase, the buyer should not be permitted to do a radon test. Arguably, unauthorized testing constitutes trespass. A complaint for trespass against the buyer or home inspector may be a bit extreme, but not necessarily impossible.

If the seller rejects the buyer's amendment, the ball, so to speak, is in the buyer's court. The buyer may, for example, choose to complete the transaction notwithstanding the elevated radon. If the transaction ends, the parties may negotiate regarding the disbursement of earnest money given the unauthorized testing and the high radon levels.

The seller has different options regarding the unauthorized testing. The seller may request compensation from the buyer, the home inspector, the cooperating licensee or a combination thereof. As credential holders, the home inspector and cooperating firm may, depending on the facts and circumstances, have a complaint filed against them with the DSPS. The licensee can refer the seller to legal counsel about their options.

NO AGENCY DISCLOSURE

The broker has a buyer agency agreement with a buyer who is looking at a FSBO. The buyers want to write an offer. However, the seller was not provided with the Broker Disclosure to Customers or any other disclosures. Is there a fine/penalty for that?

The buyer's broker must, upon first contact, disclose buyer agency to the unrepresented seller. Prior to negotiations, the broker must provide the seller with a Broker Disclosure to Customers if any services will be provided for the seller, and for residential transactions involving one- to four-family properties, the broker must ask the seller to sign the form.

While there is not a fine or financial penalty for failing to provide agency disclosure to a customer, it may be a violation of license law or the NAR Code of Ethics. To report license law violations, the licensee can make a complaint to the DSPS. To report a violation of the Code of Ethics, the licensee could contact the listing agent's local REALTOR® association.

TIME TO RESPOND TO A DSPS COMPLAINT

Can the DSPS require a licensee to respond to a complaint or other request in less than 30 days?

Wis. Admin. Code § REEB 24.17(5) DUTY TO COOPERATE WITH THE BOARD AND THE DEPARTMENT reads, "Licensees and applicants shall respond to the department and the board regarding any request for information within 30 days of the date of the request."

However, the DSPS provisions for complaint procedure in Wis. Admin. Code § SPS 2.09 give a different, specific time frame, as follows:

(1) An answer to a complaint shall state in short and plain terms the defenses to each cause asserted and shall admit or deny the allegations upon which the complainant relies. If the respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation, the respondent shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the allegations denied. The respondent shall make denials as specific denials of designated allegations or paragraphs but if the respondent intends in good faith to deny only a part or a qualification of an allegation, the respondent shall specify so much of it as true and material and shall deny only the remainder.

(2) The respondent shall set forth affirmatively in the answer any matter constituting an affirmative defense.

(3) Allegations in a complaint are admitted when not denied in the answer.

(4) An answer to a complaint shall be filed within 20 days from the date of service of the complaint.

See the Information About Your Hearing — Class 2 — Disciplinary Proceeding brochure at dsps.wi.gov/Documents/DisciplinaryProceedingBrochure.pdf. To be prudent, a licensee should respond to the DSPS within whatever time frame they request.

ADMINISTRATIVE WARNINGS

The firm received an Administrative Warning letter in the mail from the DSPS, indicating there is evidence of professional misconduct for not having a written and signed Property Management Agreement to manage a property from 2016 to 2017. The broker never received any prior notice and does not believe it is true. Can the DSPS issue an administrative warning without prior notice of the complaint and without giving the office the opportunity to respond to their allegations? Also, is it normal for them to wait over three years to issue a warning?

A complaint can be filed against a real estate licensee at the DSPS at any time.

The Administrative Warning process is found in Wis. Admin. Code Chap. SPS 8. See the information about administrative warnings on page 12 of this magazine.

If the firm wishes to challenge the administrative warnings, the procedures for an administrative warning review in SPS 8.06 state:

(1) Within 45 calendar days of receipt of a request for review, the disciplinary authority shall notify the credential holder of the time and place of the review.

(2) No discovery is permitted. A credential holder may inspect records under s. 19.35, Stats., the public records law.

(3) The disciplinary authority or its designee shall preside over the review. The review shall be recorded by audio tape unless otherwise specified by the disciplinary authority.

(4) The disciplinary authority shall provide the credential holder with an opportunity to make a personal appearance before the disciplinary authority and present a statement. The disciplinary authority may request the division to appear and present a statement on issues raised by the credential holder. The disciplinary authority may establish a time limit for making a presentation. Unless otherwise determined by the disciplinary authority, the time for making a personal appearance shall be 20 minutes.

(5) If the credential holder fails to appear for a review, or withdraws the request for a review, the disciplinary authority may note the failure to appear in the minutes and leave the administrative warning in effect without further action.

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

TO FILE A COMPLAINT

DSPS online complaint:
dsps.wi.gov/Pages/SelfService/FileAComplaint.aspx

REALTOR® Code of Ethics complaint:
www.wra.org/professionalstandards

The WRA's "Have a Complaint?" resource webpage:
www.wra.org/complaint

BY **DEBBI CONRAD**
SENIOR ATTORNEY AND DIRECTOR OF LEGAL AFFAIRS
REALTOR® SAFETY MONTH

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 those important safety cautionary messages fade into the background when nothing bad is happening around you. It is important for real estate professionals to remember the crucial commonsense techniques that help protect them against any potential risks threatening their safety and welfare.

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, such as "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. Take the REALTOR® Safety Pledge at www.nar.realtor/safety/pledge. And don't miss all the other REALTOR® Safety Program materials and information at www.realtor.org/topics/realtor-safety.

COVID-19 did not stop the real estate market, but it altered the way many real estate professionals practiced: many more were telecommuting and working from home. Which cybersecurity measures are critical for safe home operations or working away from the office?

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 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 did not take a vacation during the coronavirus pandemic, and COVID-19 scams are their newest trick for stealing personal identification information and sending malware. Keeping your real estate business secure means observing 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. Open emails mentioning COVID-19 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. Do not click links or open files in any email from a person or business you don't know. Due to the increase in phishing scams brought on by the pandemic, it's better to delete 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 their driver's licenses, 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. Which of the following are true statements?

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 homeowner has surveillance, whether audio or video, at an open house, individual showing or other viewing in connection to the sale of real estate, except surveillance in bathrooms, which 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 law 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 another; sending unwanted gifts; or contacting friends, family or co-workers of the other person. 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 or 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 not to 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 lifesaver, depending on the circumstances prompting the need for cash. Some ATMs offer a drive-up option while others are on the street or in a building lobby. Which of the following is not a good practice 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.*

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 answer 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 not 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 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 plan, but whether an agent can actually escape 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 riskiest option. Personal safety is the priority. Property can be replaced, but the same cannot be said of a person's life and health.*

Open houses remain popular in Wisconsin, at least in some markets. Safety, however, must be at the top of mind for the REALTOR® hosting an open house. This includes protecting the seller's property as well as the personal safety of everyone in attendance, including the agent. What are the best ways to keep everyone safe?

A. Use the buddy system and have at least one other person with you at the open house. The other person does not need to be a licensee; a friend or family member will do as long as they have a fully charged cell phone with good reception and emergency numbers ready on speed dial and are prepared to take action should danger arise.

B. Make sure the escape routes you selected when you first entered the property are not dead ends. Check all the rooms and scope out several exit strategies. Make sure all deadbolt locks are unlocked to facilitate a faster escape. Make sure that if you plan to escape by the back door, there are no high fences in the backyard that can spoil your plan and leave you trapped.

C. Have all open house visitors sign in. Ask for full name, address, phone number and email so the police can figure out who the attackers or thieves were when law enforcement is called to the scene.

D. Don't fly solo. Set up some guardian angels to help look out for you. Inform a neighbor that you will be showing the house and ask them to please keep an eye and ear open for anything out of the ordinary. Notify someone in your office, your answering service, a friend or a relative that you will be calling in every hour on the hour. And if you don't call, they are to call you.

The answers are A, B, D and half of C. *Safety in numbers is a tried-and-true safety measure, even if it sounds a bit corny. The crooks and robbers will think twice when it isn't just you alone. Having others keeping an eye out adds an extra layer of protection. If you end up making a rapid exit from the premises, make sure you will not end up being trapped by a faulty lock or a six-foot fence. Having the open house visitors sign in provides a little bit of a deterrent to bad actors and may be most effective if IDs are checked, but the real bad guys probably have phony IDs and give fake information on a sign-in sheet.*

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 you practice real estate legally and correctly.

PROFESSIONAL POINTERS

Enhance professionalism in your practice

The Professional Pointers series offers you a weekly tip to boost your level of professionalism. You'll find the weekly Professional Pointer every week in your inbox, your social media feed and on the WRA website. Past pointers explore confidentiality concerns, professional communications, competent cooperation and more.

See the pointers: **WRA.ORG/PROFESSIONALPOINTERS**

LEGAL UPDATE LIVE

"Being Competitive" Six-part Miniseries

Things move fast in a competitive market, and the "Being Competitive" Legal Update Live miniseries moved just as quickly! This summer, the WRA legal team hosted a fast series of webcast discussions about transactional trends taking place in the current market. Spanning across Legal Update Live episodes 13 to 18, the "Being Competitive" miniseries explored scenarios you may find in today's aggressive market, like the use of "Dear Seller" letters, situations with multiple offers and more.

Watch: **WRA.ORG/LUL/EP13-18**

LEGAL HOTTIPS

Search Q&As from the WRA Legal Hotline

Your WRA membership gives you access to the WRA Legal Hottips online library: a collection of discussions from the WRA Legal Hotline. The library dates back several years with hotline Q&As about disclosure, liability and much more related to Wisconsin real estate law. New hottips are published every week. (WRA login required.)

Search the Q&As: **WRA.ORG/LEGALHOTTIPS**

LEGAL UPDATE

July 2021: Pier Rights Restored for Wisconsin Property Owners

In June 2021, Gov. Evers signed into law AB 37/SB 46, which returns 140 years of riparian rights to property owners across Wisconsin. This *Legal Update* explores how the new law will affect Wisconsin's riparian owners.

Read: **WRA.ORG/LEGALUPDATES**

WRA LEGAL HOTLINE

Find out applicable legal standards, alternatives and possible solutions for your real estate practice questions with this members-only service.

CONTACT:
Phone: 608-242-2296 or 800-799-4468
Online question submission: www.wra.org/legalhotline
Hours: Monday-Friday, 8:30 a.m. to 5:00 p.m. Central and Sunday 1:00 p.m. to 4:30 p.m. Central. Holidays may affect these hours; check the hotline webpage for details.

Learn more:
WWW.WRA.ORG/LEGALHOTLINE

Legislative Alert

2021 Legislative Report

During the first six months of 2021, the REALTORS® Political Action Committee (RPAC) and the WRA secured legislative victories for homeowners and property owners that saved them millions of dollars, preserved their property rights and made it easier for REALTORS® to conduct business. RPAC is your best investment in real estate.

Recently passed legislation includes:

- Right to place a pier on flowages restored
- Property tax cut
- Broadband expansion
- Home inspection reports and "defects"
- DSPS technology upgrades to simplify online credentialing
- Significant income tax cuts
- COVID-19 liability exemption

For more information about these issues and more, download the 2021 edition of the WRA Legislative Report online at www.wra.org/2021Victories.

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

2022 Political Nuggets

The 2022 midterm elections are 14 months away, but political candidates and parties are very busy getting organized, raising money and generally trying to put themselves in the best position to win next year or, in some cases, mitigate their potential losses.

As a political swing state, Wisconsin will receive a lot of attention from the two national political parties and their friendly third-party allies. The amount of campaign fundraising and spending is widely expected to skyrocket in 2022, with the statewide races at the top of the ticket driving down-ballot races for Congress and the state Legislature.

The 2022 midterm elections in Wisconsin will include the race for governor and lieutenant governor, U.S. Senate, attorney general, state treasurer and secretary of state. This, along with eight congressional races and 116 state legislative races, will generate lots of activity from candidates and party committees as the calendar inches closer to the 2022 midterms.

Here are six political developments to watch as we enter the beginning of the 2022 political cycle.

Mandela Barnes

Mandela Barnes moves on: Wisconsin Lt. Gov. Mandela Barnes (D-WI) is passing up the chance to be elected to a second term as lieutenant governor to run in the crowded Democratic primary for the U.S. Senate. With Barnes out of the race, Gov. Tony Evers' running mate will be determined in an early August 2022 primary election.

The statewide election for lieutenant governor is likely to draw multiple candidates from both parties heading into next year's midterm election. So far, only one Republican candidate has formally entered the race: the three-term mayor of Lancaster, David Varnam, who is running on a platform to lower property taxes and more aggressive economic development.

Roger Roth draws an early opponent: Appleton businessman Mark Scheffler has entered the race in the 19th Senate District to challenge incumbent GOP Sen. Roger Roth (R-Appleton) in the 2022 election. Scheffler, a Democrat, is running on a platform of "a sustainable economy, a sustainable environment, and a sustainable society." Scheffler describes himself as "a proud progressive, a successful business leader, an avid outdoorsman, and a different kind of Democrat." Scheffler is the founder of Appleton Group LLC, an investment adviser.

Roth, a member of the WRA, was first elected to the Wisconsin Senate in 2014 and reelected in 2018. Since his election, Roth has earned a perfect score on pro-business and pro-real estate issues with the WRA. The 19th Senate District includes most of the city of Appleton, Neenah and Menasha, and portions of Outagamie and Winnebago counties.

Roger Roth

Political fundraising: Campaign committees and political parties continue to raise more money every election cycle, with Republicans raising far more money than Democrats through their partisan campaign committees and the Democratic Party of Wisconsin vastly outraising the state Republican Party. This disparity reflects the current power structure in state government where Republicans have large majorities in the Legislature, and Democrats control most statewide offices, including the governor's office.

Legislative Campaign Committee Fundraising in the First Six Months of 2021		
Committee	**Fundraising**	**June 30 Cash Balance**
Republican Assembly Campaign Committee	$522,440	$1,431,851
Committee to Elect a Republican Senate	$382,804	$914,512
State Senate Democratic Campaign Committee	$166,695	$314,782
Assembly Democratic Campaign Committee	$304,859	$243,618
TOTAL	$1,379,798	$2,904,763

Source: Wisconsin Democracy Campaign

State Political Party Fundraising in the First Six Months of 2021		
Committee	**Fundraising**	**June 30 Cash Balance**
State Democratic Party	$4.4 million	$2.1 million
State Republican Party	$835,000	$170,460
TOTAL	$5,235,000	$2,270,460

Source: Wisconsin Democracy Campaign

Ron Kind

Derrick Van Orden

Ron Kind retires: Democratic Congressman Ron Kind (D-WI) officially declared he will not run for a 14th term in 2022. As the longest-serving member of Wisconsin's congressional delegation, Kind will retire after 25 years in the U.S. House of Representatives, which will likely make it more difficult for Democrats to main control after 2022. In 2020, Kind defeated his Republican challenger, retired Navy Seal Derrick Van Orden, by three points — the smallest margin of victory Kind has experienced in an election since his first election in 1996. Van Orden has already entered the race again for next year.

Wisconsin as a gubernatorial battleground: Over the last 20 years, Wisconsin elections for governor have been won or lost by narrow margins, and the outcomes evenly split. An analysis by Smart Politics found, "Wisconsin's last six races — including the 2012 Scott Walker recall contest — have been decided by an average of 5.1 points with Democrats winning three (Jim Doyle in 2002 and 2006 and Tony Evers in 2018) and the GOP winning three (Walker in 2010, 2012, and 2014)." Political prognosticators project another close gubernatorial contest in 2022.

Midwest gubernatorial elections: Research by Dr. Eric Ostermeier shows that "Five states governed by Democrats have gubernatorial elections in the 2022 cycle in which voters have not elected a nominee from the same party as the sitting president for more than a quarter-century." In Wisconsin, the last time voters elected a Democrat for governor with a Democrat in the White House was 1962, when Democrat John Reynolds won an open seat with John F. Kennedy in the White House. In fact, Ostermeier notes that "Democrats have lost a staggering 32 of the last 33 elections for governor when a Democrat resides in the White House going back to 1855."

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

2021 REALTOR® Advocacy

Thank you to the Wisconsin REALTORS® who advocate for homeowners and property owners

In the pages that follow, we recognize WRA members who support the WRA's advocacy efforts through major financial investments in the REALTORS® Political Action Committee (RPAC) and the Direct Giver program. These funds support candidates for public office who support REALTOR® issues and property rights. When combined with members who communicate regularly with their elected officials in Washington, D.C., Madison and local communities across the state, these contributors help create the regulatory environment within which our industry can thrive.

REALTORS® POLITICAL ACTION COMMITTEE

The REALTORS® Political Action Committee (RPAC) major investors are a passionate group of REALTORS® whose investments shape the political future of the real estate industry.

On July 8, 2021, Wisconsin Gov. Tony Evers signed the 2021–23 state budget into law. The recently passed budget includes several provisions that are beneficial for homeowners, taxpayers and REALTORS®, including:

- $650 million property tax cut for homeowners.
- $225 million for broadband expansion in Wisconsin.
- $5 million for DSPS tech upgrades to simplify online credentialing.
- Removal of several proposals that would have been detrimental to real estate.

Now more than ever, it is imperative for REALTORS® to come together and speak with one voice about the stability that a sound and dynamic real estate market brings to Wisconsin. Through the RPAC major investors, that voice is heard loud and clear. To become a major investor, contact your local association executive, government affairs director, or the WRA's Joe Murray at jmurray@wra.org or Sandy Bolgrihn at sandyb@wra.org.

"What if I told you property taxes and income taxes were going up, and there was no way to stop it? Well, don't worry — there is. Through the advocacy efforts of the WRA in Madison, the state Legislature cut property and income taxes in July. This is one of the key reasons why I'm supportive of RPAC and became a major investor this year. The WRA takes control of what we can't, and the WRA goes into action to keep homeownership more affordable now and in the future."

Lindsey Kate, Acre Realty, Appleton

PRESIDENT'S CIRCLE
This icon designates an influential group of REALTORS® who contribute $2,000 directly to REALTOR®-friendly candidates in response to requests from NAR and RPAC trustees.

RPAC HALL OF FAME
This icon designates members of the RPAC Hall of Fame with an aggregate lifetime investment of $25,000 or more.

PLATINUM "R"s ($10,000) $7,000 Direct Giver; $3,000 NAR RPAC

Jim Imhoff
First Weber Inc.
Madison

Mary Rufledt
Elite Realty Group LLC
Eau Claire

GOLDEN "R"s ($5,000) $3,500 Direct Giver; $1,500 NAR RPAC

Brad Lois
Bear Realty of Burlington Inc.
Burlington

Tom Larson
Wisconsin REALTORS® Association, Madison

John Horning
Shorewest REALTORS®
Brookfield

Joe Horning
Shorewest REALTORS®
Brookfield

KC Maurer
RE/MAX 24/7 Real Estate LLC
Appleton

Brittany Voigt
Century 21 Ace Realty
Appleton

John Flor
Keller Williams Realty Diversified, Chetek

Mary Gilbank
Shorewest REALTORS®
Janesville

Michael Theo
Wisconsin REALTORS® Association, Madison

Bill Malkasian
National Association of REALTORS®, Windsor

Andy Beiser
Beiser Realty LLC
Winneconne

REALTORS® Association of South Central Wisconsin MLS
Madison

RPAC major investors are current as of August 9, 2021, and appear in the order in which they pledged contributions.

CRYSTAL "R"s ($2,500) $1,750 Direct Giver; $750 NAR RPAC


Peter Ogden
Ogden & Company Inc. AMO
Milwaukee


Rose Bogosian
Gonnering Realty Inc.
Kenosha


Becky Merwin
The Rauland Agency Inc.
Walworth


Rita Blenker
Century 21 Gold Key Realty Inc.
Marshfield


Tom Keefe
Keefe Real Estate
Lake Geneva


Mike Didier
RE/MAX United LLC
Port Washington


Joe Murray
Wisconsin REALTORS®
Association, Madison


Chuck Olson
Coldwell Banker River Valley
REALTORS®, Onalaska


Bruce Kilmer
Coldwell Banker River Valley
REALTORS®, Onalaska


Cori Lamont
Wisconsin REALTORS®
Association, Madison


Dave Stark
Stark Company REALTORS®
Madison


Mary Duff
Stark Company REALTORS®
Madison


Steve Lillestrand
Coldwell Banker River Valley
REALTORS®, Onalaska

STERLING "R"s ($1,000) $700 Direct Giver; $300 NAR RPAC


Roger Mater
RE/MAX Service First LLC
Waukesha


Mark Bourque
Berkshire Hathaway
HomeServices Epic Real Estate
Kenosha


Pete Wiese
American Edge Real Estate
Services Inc., Menomonie


Michael Gniot
Shorewest REALTORS®
Kenosha


Jackie Kumm
Edina Realty Inc.
Stillwater


Marne Stuck
Greater Milwaukee
Association of REALTORS®
Milwaukee


Scott Bush
Greater Milwaukee
Association of REALTORS®
Milwaukee


Scott Welsh
Colliers International
Milwaukee


Duane Murphy
Expert Real Estate Partners
LLC, Appleton


Greg Dallaire
Dallaire Realty
Green Bay


Stacey Hennessey
Century 21 Affiliated
Appleton


Dan Lee
First Weber Inc.
Madison


Dan Stacey
RE/MAX Results
La Crosse


Tracy Johnson
Commercial Association of
REALTORS® Wisconsin
Milwaukee


Kyle Broom
Badger Realty Team
Cottage Grove


Margaret Labus
@Properties
Lake Geneva


Casey Watters
Real Estate Solutions
Rice Lake


Joe Germain
Woods & Water Realty Inc.
Chippewa Falls

RPAC major investors are current as of August 9, 2021, and appear in the order in which they pledged contributions.

STERLING "R"s ($1,000) $700 Direct Giver; $300 NAR RPAC **(continued)**

Kevin Donnell
First Weber Inc.
Brookfield

Gary Grolle
Keating Real Estate
Burlington

Jack Drzewiecki
Acre Realty Ltd.
Appleton

Scott Revolinski
Founders 3 Real Estate
Services, Milwaukee

Ned Purtell
Founders 3 Real Estate
Services, Milwaukee

Robert Flood
Founders 3 Real Estate
Services, Milwaukee

Andy Hess
Founders 3 Real Estate
Services, Milwaukee

Tim Besaw
Besaw & Associates
Realty Ltd., Green Bay

Dan Kruse
Century 21 Affiliated
Madison

Sharon Helwig
RE/MAX American Dream
The Real Estate Professionals LLC, Marshfield

Cora Frank
RE/MAX Affiliates
Menomonie

Stan Hill
Stark Company REALTORS®
Madison

S.R. Mills
Bear Realty Inc.
Kenosha

Steve Mills
Bear Realty Inc.
Kenosha

Anthony Nudo
Nudo Realty LLC
Kenosha

Michael Keefe
Keefe Real Estate
Lake Geneva

Kathy Martello
RE/MAX Realty 100
Milwaukee

Tom Didier
RE/MAX United LLC
Port Washington

Michael Sewell
Coldwell Banker Real Estate
Group, Green Bay

Jeff Hoffman
The Boerke Company Inc.
Milwaukee

Chad Navis
Zilber Property Group
Milwaukee

Benjamin Lyons
RE/MAX Lyons Real Estate
Waupaca

Adam Williquette
American Commercial
Real Estate, West Bend

Rob Rybarczyk
Coldwell Banker
Action Realty, Schofield

Steve Anderson
Anderson Commercial
Group LLC, Greenfield

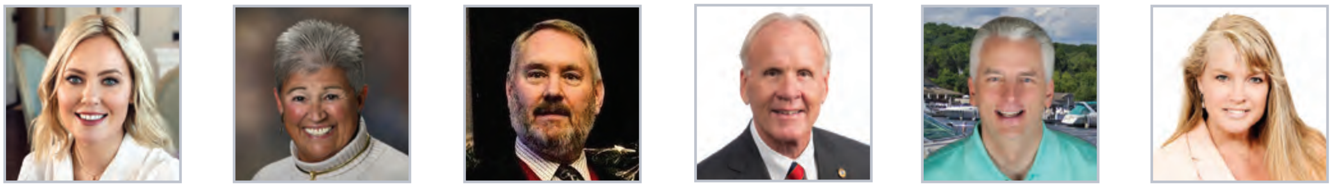
Tom Richie
Real Estate Solutions
Rice Lake

Don Timmerman
Keller Williams Integrity
Realty MN/WI, Hudson

Steve Beers
Keefe Real Estate
Lake Geneva

Pete Didier
RE/MAX United LLC
Cedarburg

Brian Stephan
RE/MAX Results
Onalaska



Courtney Stefaniak
The Stefaniak Group
Milwaukee

Connie Erickson
Door County Realty
Shorewest REALTORS®
Sister Bay

Tom Sykora
Coldwell Banker Realty
West Bend

Peter Sveum
Coldwell Banker Success
Stoughton

Bob Webster
Keefe Real Estate
Lake Geneva

Linda Tonge
Keefe Real Estate
Lake Geneva

Lori Muller
Exit Elite Realty
Appleton

Michael Balestrieri
Keefe Real Estate
Lake Geneva

Jeff Benson
RE/MAX Realty 100
Milwaukee

Ned Donnellan
Donnellan Real Estate
Eau Claire

Ryan Fulcer
Coldwell Banker Real Estate
Group, Appleton

Ted Dentice
Shorewest REALTORS®
Delavan

RPAC major investors are current as of August 9, 2021, and appear in the order in which they pledged contributions.

STERLING "R"s ($1,000) $700 Direct Giver; $300 NAR RPAC **(continued)**


Denise Schultz
Lakes Area REALTORS®
Association, Elkhorn


Romaine Quinn
Real Estate Solutions
Rice Lake


Christine Howard
Prosperity Home Mortgage LLC
Brookfield


Dan Lawler
Feather Real Estate Group
Chetek


Tony DeBartolo
Berkshire Hathaway
HomeServices Epic Real Estate
Kenosha


Mike Kollmansberger
Shorewest REALTORS®
Waukesha


Calla Ricciardi
Century 21 Affiliated
Kenosha


Philip Hilgenberg
Hilgenberg Realty
Green Bay


Terry Hilgenberg
Coldwell Banker Real Estate
Group, Shawano


Robert Morrone
Prime Realty Group
Kenosha


Michael Karisny
Acre Realty
Appleton


Wade Hetrick
Acre Realty
Appleton


Bob Karisny
Acre Realty
Appleton


Lindsey Kate
Acre Realty
Appleton


Shawna Alt
First Weber Inc.
Prairie Du Sac


Tricia Forbeck
Keefe Real Estate
Lake Geneva


Andrew Szymanskyj
Launch Realty Group
East Troy


Macy Walter
Shorewest REALTORS®
Janesville


Jim Villa
NAIOP WI
Milwaukee


Scott Stortz
Star Properties
Slinger


Scott Newcomer
House To Home Inspections
Waukesha


Doug Wheaton
Wisconsin REALTORS®
Association, Madison


Diane Campshure Walczyk
Resource One Realty LLC
De Pere


Shawn Govern
Perfection Plus Real Estate
Services, Franklin


Laura Kruschka
RE/MAX Realty 100
Brookfield


Jim Emmer
Emmer Real Estate Group
West Bend


Angela Walters
eXp Realty
Milwaukee


Catherine Bade
Edina Realty Inc.
Eau Claire


Felicia Pavlica
RE/MAX Newport Elite
Kenosha


Casey Clickner
Shorewest REALTORS®
Wauwatosa


James Imhoff
Universal Home Protection LLC
Madison


In Memory of Norm Flynn
Norman D Flynn Associates Inc.
Madison


Gina Knutson
WESTconsin Realty LLC
Hudson


Nancy Gerrard
Gerrard-Hoeschler
La Crosse


Spenser Nickelatti
eXp Realty LLC
Middleton


Michael Kleber
Zilber Property Group
Milwaukee


Josh Neumann
eXp Realty
La Crosse


Roger Stauter
Stark Company REALTORS®
Sun Prairie


Michael Pietrek
Berkshire Hathaway
HomeServices North
Properties, Onalaska


Roger Rushman
First Weber Inc.
Delafield

Steve Bostrom
Berkshire Hathaway Home-
Services Epic Real Estate,
Kenosha

Amy Curler
First Weber Inc.
West Bend

RPAC major investors are current as of August 9, 2021, and appear in the order in which they pledged contributions.

STERLING "R"s ($1,000) $700 Direct Giver; $300 NAR RPAC **(continued)**

Chris DeVincentis
Legendary Real Estate Services, Lake Geneva

Mark Kivley
RE/MAX Lakeside
Milwaukee

Shari Engstrom
Sid Grinker Restoration
Milwaukee

John Czarnecki
Commercial United LLC
Brookfield

Michael Zollicoffer
Infinity Realty Inc.
Mequon

Michael Richgels
RE/MAX Results
Onalaska

Robert Procter
Axley Brynelson Law Firm
Madison

Scott Klaas
Keller Williams Realty
Milwaukee SW, New Berlin

Art Luetke
Luetke Investment Real Estate, Madison

Southshore MLS
Hudson

Western Wisconsin REALTORS® Association
Hudson

Lakes Area REALTORS® Association
Elkhorn

Door County Board of REALTORS®
Sturgeon Bay

REALTORS® Association of South Central Wisconsin
Madison

REALTORS® Association of Northeast Wisconsin
Appleton

First Weber Inc.
Madison

Greater La Crosse MLS Corp.
La Crosse

Ozaukee REALTORS® Association
Cedarburg

RPAC major investors are current as of August 9, 2021, and appear in the order in which they pledged contributions.

THE PAPERLESS AGENT MARKETING CLUB

Many real estate professionals get caught up in the details of getting their marketing "right" and keeping up with the latest updates, technology and best practices. But with the Paperless Agent Marketing Club (the Club), you now have a powerful resource that makes it easy and less time-consuming to stay current and succeed. As a WRA member, you have access to the Club's premium features for a standard monthly fee:

AgentID marketing websites: These sleek, professional websites are the perfect solution if you don't have a website yet or don't have much control over your existing site. The Club publishes blog content monthly and helps you create landing pages to generate leads and promote your listings.

Two training sessions each month: The Club offers two live group marketing sessions each month that cover a variety of tech-related topics, such as iPads for sellers, website strategy, lead generation and much more.

Exclusive Facebook community: With over 4,000 agents in the Club, you'll have access to an engaged community of like-minded individuals.

New marketing suite: You can now upload your database and email newsletters using the marketing suite included with your Club membership.

Monthly digital marketing campaigns: As a Club member, you get access to a brand-new campaign every month so you can stay connected with your contacts with all the latest real estate news.

Marketing resources: The Club's marketing sessions come with complementary resources. With email sequences, customizable marketing pieces, scripts, checklists and more, the Club has you covered.

Your questions, answered: During the group marketing sessions, you can find answers to your real estate technology questions from industry experts who have tested and proven the success of their systems. And between sessions, feel free to reach out to the Club's friendly support team if you need additional assistance.

For more information and how to get started, visit **www.wra.org/Sept21-PaperlessAgent**.

WRA EXCLUSIVE PARTNERS

Save on products and services with the WRA's exclusive benefit partners.

LANDS' END BUSINESS
Energize your wardrobe with custom apparel.

PAPERLESS AGENT MARKETING CLUB
Resources for your real estate marketing.

PEARL INSURANCE
Insurance designed for the real estate industry.

REALTYZAM CRM
Simple CRM for your business.

SPECTRUM INSURANCE
Save on insurance premiums.

Learn more about these exclusive partners:
www.wra.org/ExclusivePartners

WRA MEMBERSHIP BENEFITS

The WRA offers members-only products and services to give you a competitive edge.

INMAN SELECT SUBSCRIPTION
Get the latest real estate news, award-winning commentary, special reports and more.

WRA LEGAL HOTLINE
Discuss your real estate practice questions with a real estate attorney.

WRA 360
Explore cutting-edge topics in this professional development video series.

Learn more about all WRA member benefits:
www.wra.org/MemberBenefits

BROKER CAREER: READY FOR TAKEOFF?

START YOUR JOURNEY WITH BROKER PRE-LICENSE ON DEMAND TRAINING

Welcome aboard flight WRA 4801, with service from Agent Career to Broker Career! If you've been considering buying a ticket to this new and exciting destination, look no further than the WRA's broker pre-license training using the On Demand platform.

The course guides you through the information needed to pass the state broker exam. To earn a Wisconsin real estate broker's license, the Wisconsin Department of Safety and Professional Services (DSPS) requires that you meet the sales license requirements, complete 72 hours of broker education training and pass the state exam.

Course topics

In addition to helping you prepare for the licensing exam, this online training provides you with an overview of real estate brokerage fundamentals:

- Consumer protection: ADA compliance, disclosures, inspections
- Business management: Insurance, budgets, financial planning
- Business ethics: DSPS complaints, dispute resolution, referral fees
- Financial management: Closing statements, trust funds, accounting
- Office management: Transition planning, office policy manual, supervision

Course information

- Course fee (WRA members): $345
- Optional hard-copy book fee: $59.99
- Time frame: Students have six months from purchase date to complete coursework
- Instructor: Jennifer Lindsley, WRA director of training and staff attorney

Start your broker career journey today: **www.wra.org/Sept21-BPL**

REAL ESTATE READS

How to Be a Power Connector: The 5+50+100 Rule
Discover how the "5+50+100" communication method can work wonders for your career.
Read: www.wra.org/Sept21-PowerConnector

Myths and Realities of Real Estate Sales
Get a direct look into the day-to-day activities of real estate sales.
Read: www.wra.org/Sept21-MythsRealities

Getting to "Closed"
Learn effective strategies to turn prospects into revenue with Stephen Schiffman, one of the nation's leading prospecting experts.
Read: www.wra.org/Sept21-Closed

YOUR CONVENTION, YOUR CALL
Live or virtual experience? You pick!

Next month's annual convention boasts a winning lineup of education. Plus, a fantastic virtual convention option is available if you want to stay closer to home.

The live convention is taking place at the Wisconsin Center, which has implemented safety precautions based on state and local safety guidelines. We'll be adhering to these guidelines to keep you safe.

VIRTUAL CONVENTION
Play the game from home base
Need to stay closer to home? Want to attend the convention with your cats? No problem. Simply sign up for the virtual convention option to participate virtually.

OPENING SESSION & KEYNOTE
October 5: Live and virtual
Chicago REALTOR® and top producer Tommy Choi reveals how lessons from his dry cleaner helped him build a multimillion-dollar real estate business.

ADAPT: OVERCOMING ADVERSITY
October 6: Live and virtual
Retired MLB pitcher and Olympic gold medalist Jim Abbott shares how his "ADAPT" philosophy can help you prepare for any industry changeup.

CONVENTION VIDEOS
Watch the convention even after it ends
Once the convention is over, your education keeps going with the complete series of all convention education tracks and keynotes, available as online videos after the big event.

CRS: SHORT SALES & FORECLOSURES
October 4: Live and virtual training
Short sales and foreclosures are a different ballgame, and they require specialized training. The "CRS: Short Sales and Foreclosures" course helps you prepare.

CONTINUING EDUCATION
October 5-6: Multiple sessions
Three real estate CE courses take place live at the convention in Milwaukee. If you need appraisal CE, join live or tune in virtually on October 6 for the full-day appraisal CE course.

EDUCATION TRACKS
October 5-6: Multiple sessions
Discuss new trends, industry forecasts, marketing tips and more with exclusive training only here. Education track speakers include Koki Adasi, Bobbi Howe, Cori Lamont and many more.

SIGN UP: WWW.WRA.ORG/PITCH

EARN THE ABR DESIGNATION
October 26-27: Madison (live or virtual training)

The Accredited Buyer's Representative (ABR) designation equips you with the skills for representing buyers during the homebuying process. With the ABR training course this fall, you'll gain the tools to build a buyer representation business, guide buyer-clients through the home-search process and more. The live course takes place in Madison at the WRA headquarters, or you can watch the livestreamed course from the comfort of home!

Sign up: **WWW.WRA.ORG/SEPT21-ABR**

REAL ESTATE PROFESSIONAL ASSISTANT (REPA)
November 9-10: Madison

Showing, marketing, training, open house-ing — needless to say, you have a lot to do! A professional assistant can take a few tasks off your plate and improve efficiencies in your workload.

The upcoming REPA two-day course can help your assistant(s) enhance their role. The course will help students to develop a solid understanding of the industry, guide buyer-clients through transactions, deliver exceptional customer service and more.

Sign up: **WWW.WRA.ORG/SEPT21-REPA**

APPRAISAL CE
Earn your required credits this fall

Earn credits and learn new tactics with the WRA's slate of appraisal course offerings this fall. Instructors Tim Andersen, Jason Tillema and Joshua Walitt will equip you with new insights to enhance your valuation techniques, plus you'll be able to earn CE credits before the December 2021 appraisal biennium deadline and renew your license on time. After all, a lapse in your license would place you, your business and your clients at risk ... ouch!

See page 40 for the complete listing of fall appraisal CE courses.

Sign up: **WWW.WRA.ORG/SEPT21-APPCE**

SALES PRE-LICENSE TRAINING
October 11-15, 18-20: Madison

Are you a broker and thinking about hiring new agents at your office? Your recruits can be ready for the exam with next month's eight-day sales pre-license course.

Recruits will learn about various real estate fundamentals so they can ultimately be prepared for the real estate sales exam. Course topics include financing, mandatory disclosures, contracts, land use controls, valuation and much more.

Sign up: **WWW.WRA.ORG/SEPT21-SPLTRAINING**

TRAINING PRODUCT	TRAINING FORMAT	DETAILS & REGISTRATION
EVENTS		
WRA Annual Convention: October 4-6, 2021	Milwaukee and virtual	www.wra.org/Sept21-Convention
PRE-LICENSE TRAINING		
ONGOING VIRTUAL TRAINING		
Appraisal Pre-license Course	On Demand	www.wra.org/Sept21-APL
Broker Pre-license Course	On Demand	www.wra.org/Sept21-BPL
Sales Pre-license Course	On Demand	www.wra.org/Sept21-SPL
SCHEDULED TRAINING		
Sales Pre-exam Review Webinar: October 1, 2021	Virtual webinar	www.wra.org/Sept21-SPLwebinar
Sales Pre-license Course: October 11-15; 18-20, 2021	Madison	www.wra.org/Sept21-SPLtraining
PROFESSIONAL DEVELOPMENT		
ONGOING VIRTUAL TRAINING		
GRI On Demand	On Demand	www.wra.org/Sept21-GRI
Line by Line Forms Training	Online Video Series	www.wra.org/Sept21-LinebyLine
Quick Start	On Demand	www.wra.org/Sept21-QuickStart
SCHEDULED TRAINING		
CRS: Short Sales & Foreclosures: October 4, 2021	Milwaukee and virtual	www.wra.org/Sept21-CRS
ABR Designation Course: October 26-27, 2021	Madison and virtual	www.wra.org/Sept21-ABR
REPA Course: November 9-10, 2021	Madison	www.wra.org/Sept21-REPA
APPRAISAL CONTINUING EDUCATION		
SCHEDULED TRAINING		
Learning from Mistakes: October 6, 2021	Milwaukee	www.wra.org/Sept21-Convention
7-hour National USPAP Update: October 28, 2021	Appleton	www.wra.org/Sept21-AppCE
Proper Questions: October 29, 2021	Madison and virtual	www.wra.org/Sept21-AppCE
USPAP, Your Workfile and You: October 29, 2021	Madison and virtual	www.wra.org/Sept21-AppCE
Rock-solid Report Writing: November 2, 2021	Madison and virtual	www.wra.org/Sept21-AppCE
Tools and Analysis: November 2, 2021	Madison and virtual	www.wra.org/Sept21-AppCE
Non-lending Appraisal Assignments: November 3, 2021	Madison and virtual	www.wra.org/Sept21-AppCE
7-hour National USPAP Update: November 4, 2021	Madison and virtual	www.wra.org/Sept21-AppCE
Supporting Adjustments: November 16, 2021	Pewaukee	www.wra.org/Sept21-AppCE
Appraisal vs. Reconsideration of Value: November 17, 2021	Pewaukee	www.wra.org/Sept21-AppCE
Excel and the Residential Appraiser: November 17, 2021	Pewaukee	www.wra.org/Sept21-AppCE
REAL ESTATE CONTINUING EDUCATION		
SCHEDULED TRAINING		
Course 1: October 5, 2021	Milwaukee	www.wra.org/Sept21-Convention
Course 3: October 6, 2021	Milwaukee	www.wra.org/Sept21-Convention
Course 5: October 6, 2021	Milwaukee	www.wra.org/Sept21-Convention
Course 1: October 13, 2021	Lake Geneva	www.wra.org/Sept21-LakeGenevaCE
Course 1: October 14, 2021	Green Lake	www.wra.org/Sept21-GreenLakeCE
Course 2: October 14, 2021	Green Lake	www.wra.org/Sept21-GreenLakeCE

WRA 360

Cutting-edge industry news every month

WRA 360 EPISODE 8: "2021 CYBERSECURITY THREATS"

Just last month and just in time for September as REALTOR® Safety Month, the WRA hosted a timely discussion about cybersecurity threats in real estate in the latest episode of WRA 360.

In August, internationally respected cybersecurity expert Clint Crigger joined us for episode 8 of WRA 360 to discuss the top cybersecurity threats you and your clients face as well as practical steps you can take immediately to protect yourself from these threats.

During the discussion, Clint drew from decades of experience defending a large and diverse collection of organizations from cybersecurity threats as well as his experience defending a professional white-hat hacker.

Watch episode 8 to find out how to protect yourself against cybersecurity threats: www.wra.org/WRA360-Ep8

Check Out The Latest Content

LEGAL UPDATE LIVE

Wisconsin real estate legal discussion

RECENT EPISODES: "Being Competitive" Miniseries

EP. 18: "Specific Seller Terms of the Offer"

EP. 17: "Cash Offers, No Financing Contingency"

EP. 16: "No Inspection Contingency"

EP. 15: "Multiple Offers"

EP. 14: "Sight-unseen Offers"

EP. 13: "'Dear Seller' Letters"

Watch the "Being Competitive" miniseries: www.wra.org/LUL/Ep13-18

CAPITOL INSIGHTS

Real estate advocacy podcast

RECENT EPISODES:

EP. 31: "WRA Legislative Agenda: What's Next?"

EP. 30: "How Do Democrats Feel About the GOP State Budget?"

EP. 29: "Robin Vos and the GOP State Budget"

EP. 28: "A State Budget REALTORS® Should Love"

EP. 27: "Occupational Licensing in Wisconsin: Open a Door or Build a Wall?"

Listen: www.wra.org/CapitolInsights

WRA 360

Cutting-edge industry news every month

Watch: www.wra.org/WRA360

HOUSING REPORTS

Monthly analysis in Wisconsin housing

Watch: www.wra.org/HousingVideo


Definitely a front porch with a swing...
#homeownershipgoals
The WHEDA Advantage loan has everything your home buyers need to achieve their home ownership goals. Visit www.wheda.com to learn how.
Certain program restrictions and eligibility requirements apply.
WHEDA
www.wheda.com