



RANWW

Realtors® Association of
Northwestern Wisconsin

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The GAD Report

2021 BEGINS WHERE 2020 LEFT OFF

Welcome to January!

The real estate market remains hot in Wisconsin and across the nation as the pandemic continues. Vaccines are being released slowly and hopefully, there is an end to this sooner rather than later.

The spring election cycle is underway locally, and for two legislative offices. Special elections have been called for the open Senate seat vacated by now Congressman Scott Fitzgerald and the 89th Assembly seat in the Marinette area of northeastern Wisconsin where John Nygren resigned to return to the private sector.

Both seats will have primaries on February 16th, and both seats will have a REALTOR® running. In the 89th Assembly, Mike Kunesh is running. Many of you may know him as a member of the WRA Board of Directors, past President of the REALTORS® Association of Northeastern Wisconsin, a major investor in RPAC and participation on numerous boards and committees. For the state Senate seat, current Watertown state Representative John Jagler is running. Like me, John is an ex broadcaster, but he is also a REALTOR® and current chair of the Assembly Housing Committee and has a 100% voting record on our issues in the Assembly.

If you would like to support either or both REALTORS® with an investment from your Direct Giver account, please let me know and I will be happy to assist you. If you do not have a Direct Giver account or do not have funds in the account, you can do this by going to WRA's secure website and adding money via your Visa, Mastercard or American Express card. The address is:

<http://www.wra.org/dgcontribution>

Prior to the filing deadline, very few seats across our jurisdiction were being contested. Local representation is always needed to make decisions that affect the places where we live, work and play.

I also want to bring attention to this month's *Wisconsin Real Estate* magazine. There is a great article penned by WRA's Tracy Rucka on NAR's recent adoption of policies reflective of their commitment to fair housing. You'll find it in this month's GAD Report beginning on Page 3.

Bruce

It is very important for you to stay up-to-date on the latest orders from the county health departments in our jurisdiction:

www.ranww.org

You will find updates at the local, state and national level regarding the coronavirus.

I'll continue to update the GADabouts Facebook page with new information from WRA and NAR as it occurs.

Stay safe, and stay informed with your Association.

Bruce King — Government Affairs Director



INSIDE THIS ISSUE

REALTORS® Running.....	1
Spring Elections	2
NAR Special Report	3
Standard of Practice.....	4
Definition of Public Trust	5
Specific to Wisconsin.....	6
Capitol Insights.....	7

SPECIAL POINTS OF INTEREST

- Special Elections
- Eau Claire & Altoona Offices
- R & G Day Virtual
- NAR Special Report
- Invest in RPAC
- Capitol Insights

CITY OF EAU CLAIRE HAS CONTESTED RACES FOR CITY COUNCIL AND SCHOOL BOARD

The Eau Claire City Council has five seats available for election in April. They are the Aldermanic seats and are elected for three-year terms.

The five seats are Emily Berge in District 1, Emily Anderson in District 2, Jeremy Gragert in District 3, Jill Christopherson in District 4 and Andrew Werthmann in District 5.

Three people have filed the necessary paperwork to be on the spring ballot. They are Gabriel Schlieve, who will challenge long-time councilman and former President Andrew Werthmann. Veteran Jeremy Gragert will square off against newcomer Josh Stanley. In the 2nd Dis-

trict, incumbent Emily Anderson will face off against Kyle Woodman, who ran for a council seat a year ago. Emily Berge and Jill Christopherson will run for re-election unopposed.

There will be four candidates for Eau Claire School Board, all three incumbents, Joshua Clements, Marquell Johnson and Erica Zerr are running again along with newcomer Kathleen Kivlin.

The top two vote getters will receive a three year term while the person in third place will receive a one year term on the board.

“Just Because You Do Not Take An Interest In Politics, Doesn’t Mean That Politics Won’t Take An Interest In You.” —Pericles (430 B.C)

WRA Issues Successes

1. REALTORS® and Real Estate are Essential
2. Remote Online Notarization
3. Condominium Association Dispute Resolution
4. More Money for K-12 Schools and Property Tax Relief
5. Broadband Expansion
6. Income Tax Cuts
7. Seller Audio/Video Surveillance at Showings
8. Prohibit Chasing Sales

AREA OFFICES FOR SPRING ELECTION DRAW LITTLE INTEREST

On the ballot in Chippewa Falls this spring will be long-time Mayor Greg Hoffman, who is at the end of his latest two-year term, Wards 1, 3, 5, and 7 on the City Council, currently being served by John Monarski, CW King, Paul Olson and Jason Heiss. These seats are for two years. Both King and Olson filed non-candidacy forms, Their seats will be taken by Hayden Fry and Christopher Gilliam. No one else took papers out.

In Altoona, all incumbents are running unopposed, as is all City Council members up for election in Menomonie. The 5th Ward, which has been vacant since March will continue to be vacant unless someone steps up to run or the new council appoints someone to take the seat as no one has filed to run.

The Altoona School Board race will be quiet as well with the only incumbent, Rick Risler the only candidate on the ballot. There will be no contested races on the Chippewa Falls School Board as all three incumbents, Steve Olson, Sharon McIlquham and Sherry Jasper have filed to run again.

The only contest that will need a primary so far will be in Menomonie for the School Board. A February 16 primary will be needed as there are eight people running for three open seats. Incumbents Jim Swanson and Penny Burstad are running to regain their seats, they will be joined by Donna Thibado, Karl Palmer, Mark Hillman, Rick Scharleu, Angela Skillings and Jeremy Enger.

The National Association of REALTORS® Responds to REALTOR® Conduct Against Protected Classes

On November 13, the National Association of REALTORS® (NAR) board of directors adopted policies reflecting a commitment to fair housing. In a significant and unprecedented step in the adoption of new rules, NAR implemented the changes effective immediately instead of its usual effective date for new rules at the start of a calendar year.

In the last year, the number of complaints relating to the conduct of REALTORS® to national, state and local associations has grown exponentially. The claims of inappropriate discriminatory conduct by REALTORS® relates to in-person, online and social media activity. In response to the unprecedented complaints, NAR president Vince Malta directed NAR's professional standards committee to consider the scope and applicability of the REALTOR® Code of Ethics and the professional standards process by which the association addresses alleged violations of the Code.

The committee convened the interpretations and procedures advisory board to investigate, assess and promulgate changes to policy and the Code. The deliberations were extensive, including many meetings and months of input and discussion. In November, the recommendations went to the NAR board of directors.

The actions of the NAR board allow local associations to raise awareness of the Code. There is now a process to allow a complainant to file an ethics complaint alleging a violation of the Code for a REALTOR®'s conduct as it relates to the protected classes enumerated in the Code. A member may be subject to discipline, as with any Code violation, if the hearing panel finds clear, strong and convincing evidence of the member's conduct contrary to the Code.

Beginning November 13, 2020, there are four categories of changes to the Code and professional standards policies and procedures:

- The first is a change to the Code applicability to member activities beyond the scope of a real estate transaction.
- The second is a new Standard of Practice corresponding to Article 10, prohibiting discriminatory speech and conduct.
- The third change relates to a revision of the definition of "public trust."

Finally, administrative changes to educate and implement the aforementioned changes.

Modification to Policy Statement 29

Prior to the board vote in November, Policy Statement 29 of the Code of Ethics and Arbitration Manual limited the applicability of the Code to real estate-related activities and transactions. To address the discriminatory speech used on social media, the scope or reach of the Code needed to be expanded.

29. Applicability of the Code of Ethics

A REALTOR® shall be subject to disciplinary action under the Code of Ethics with respect to all of their activities.

In the context of discriminatory speech and conduct, such speech or conduct no longer needs to be tied directly to real estate-related activity or a transaction. Having said this, for most other conduct by a member, there still needs to be a nexus to real estate-related activity or a transaction because most of the remaining articles of the Code specify real estate-related conduct.

New Standard of Practice 10-5

Standard of Practice 10-5

REALTORS® must not use harassing speech, hate speech, epithets, or slurs” against members of those protected classes.

A violation of Article 10 may be found when a REALTOR® engages in the enumerated conduct about a member or members of a protected class. The enumerated conduct consists of harassing speech, hate speech, epithets or slurs against any of the Code’s nine protected classes:

- Race
- Color
- Religion
- Sex
- Handicap
- Familial status
- National origin
- Sexual orientation

Gender identity

Four types of conduct are addressed in Standard of Practice 10-5: harassing speech, hate speech, epithets and slurs. What is considered harassing speech? NAR's Code of Conduct and Sexual Harassment Policy includes the following about harassment:

Examples of harassment include, but are not limited to:

epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and the display or circulation of written or graphic material that denigrates or shows hostility toward an individual or group based on a protected characteristic.

A hearing panel will consider the existing standards on harassment to determine whether harassing speech has occurred. Then the panel will determine whether the harassing speech was based on one of the protected classes. In addition to harassing speech, the panel may find evidence of hate speech, which is speech that is intended to insult, offend or intimidate a person because of some trait, such as a protected class. Epithets are disparaging or abusive word or phrases. Slur is an insulting or disparaging remark or innuendo. To find a violation of Article 10 of the Code, a hearing panel would need to find — by clear, strong and convincing evidence — that a member engaged in the enumerated conduct against one of the nine protected classes in the Code.

Modification to the Definition of "Public Trust" and Notification to Regulatory Bodies

The policy also changed the definition of public trust. The previous definition of public trust included: "misappropriation of client or customer funds or property, willful discrimination and fraud resulting in substantial economic harm." The newly adopted changes now provide: "misappropriation of client or customer funds or property, discrimination against the protected classes under the Code of Ethics and fraud."

The professional standards process has included the responsibility of the association to notify the regulatory body when an ethics decision finds a violation of the public trust. During a professional standards hearing, the REALTOR® in question is allowed to have counsel present. While the right to counsel has not changed, the criteria for when ethics violations can be sent to regulatory bodies has changed. For example, the newly modified definition of public trust now allows the association to notify the regulatory body in any case where fraud of discrimination against a protected class occurs.

After a professional standards hearing, when the hearing panel finds a violation of the Code relating to fraud or discrimination, the decision will be forwarded to the appropriate regulatory body. The notification is not based on a claim of a violation but is based on a finding of a violation after a due process hearing.

Specific to Wisconsin, a local association could forward findings of discrimination to any of these regulatory bodies:

- The Wisconsin Department of Safety and Professional Services (DSPS)
- The Real Estate Examining Board (REEB) of the DSPS
- The Equal Rights Division of the Wisconsin Department of Workforce Development

The Fair Housing and Equal Opportunity Office of the U.S. Department of Housing and Urban Development

In the event the conduct was fraud, the appropriate distribution might include these regulatory bodies:

- The Real Estate Examining Board (REEB) of the DSPS

The Wisconsin Department of Agriculture, Trade, and Consumer Protection

Prior to these changes, notification of discrimination or fraud by a REALTOR® was limited to the licensing authority; now, the notification adds and includes other appropriate governmental agencies.

Modification to Address Implementation of the Changes

Additionally, changes occurred in the *Code of Ethics and Arbitration Manual* to facilitate the implementation of the changes. Appendix VII to Part Four, Sanctioning Guidelines has been amended, including how panels impose discipline if a violation includes discriminatory conduct by a member. Historically education has been an enumerated discipline; for example, a member found in violation may be required to take implicit bias training. A section of Appendix VII to Part Four reads:

Conversely, cases in which there is reason to believe that violations of the public trust, including demonstrated misappropriation of client or customer funds or property, discrimination against the protected classes under the Code of Ethics, or fraud have occurred should be considered particularly egregious violations of the Code of Ethics when determining appropriate discipline.

The *Code of Ethics and Arbitration Manual* has been amended to include new Appendix XII Appropriate Interpretation of Standard of Practice 10-5 and Statement of Professional Standards Policy 29. The new appendix includes context for hearing panel members presented with a case that may include Article 10. The appendix includes the definitions of harassing speech, hate speech, epithets and slurs.

A question raised about the new Standard of Practice 10-5 is, what about free speech? Since the adoption of the Code in 1908, REALTORS® have always subscribed to a set of standards — sometimes higher standards than those found in the law. Given REALTOR® membership is voluntary and the association is a private organization, the association may adopt ethical obligations for members.

The Code continues to evolve to forward the goals found in the preamble and captured by the Golden Rule. The NAR board has taken affirmative steps to accomplish the goals of the American Dream for all: open housing and equal opportunity in housing.

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



There's a New Sheriff in Town. Senate Majority Leader Devin LeMahieu (R-Oostburg) discusses his 2021-22 legislative priorities, including election reform, broadband expansion and COVID-19 pandemic liability protection.

<https://youtu.be/nzLWHieuXl4>

HOUSING EXPERTS SEE GROWTH IN MADISON

A group of more than 20 leading economic and housing experts, including National Association of REALTORS® Chief Economist Lawrence Yun, participated in a consensus economic and real estate forecast that projects **GDP growth** of 3.5% and an **annual unemployment** rate of 6.2% in 2021. **Housing prices** are expected to climb 8% next year and 5.5% in 2022, with **30-year fixed mortgage rates** of 3.0% and 3.25% for 2021 and 2022, respectively. The group said remote work will continue to be a factor in real estate markets but that the share of Americans working from home will decline post-pandemic, from 21% this year to 18% in 2021 and 12% in 2022.

One of the communities Yun highlighted for growth is Madison. Other cities poised for growth included Des Moines, Iowa in the Midwest along with Dallas, Texas in the South and Boise, Idaho in the West.

NAR released the [consensus forecast](#) and [top 10 markets](#) report as part of the association's virtual [Real Estate Forecast Summit](#).



RPAC AND YOU

Did you know that you can make your RPAC investment securely online using your Visa, Mastercard and now American Express card?

Go to <https://www.wra.org/dgcontribution/>

If REALTORS® do not speak out, get involved and help shape the discussion, someone else will.

Nobody knows a community better than a REALTOR®. You are on the front line as defenders of real estate issues.

Investing in RPAC assures you a seat at the table when critical decisions are made for homeowners and private property owners.

Supporting vetted candidates and incumbents at all levels of elective governance is part of what RPAC is about.

Now more than ever, we need your financial investment in RPAC thru the Large Donor Council or Direct Giver.



2021 REALTOR® & GOVERNMENT DAY GOING VIRTUAL FOR THE FIRST TIME

The COVID pandemic has forced changes to the way we do business with conferences and meetings moved to Zoom, Facebook and Webex. Until vaccines are further distributed, seeing everyone electronically will continue to be the rule of doing business.



This year's REALTOR & Government Day will be held virtually for the first time. This year, it will be on Wednesday, April 14th from 1 until 3:30pm. WRA will send an email invitation to all members soon with more details and signup information.



[Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.](#) - Groucho Marx

TOOLS YOU CAN USE IN YOUR BUSINESS

If you have been thinking about adding tools to your toolbox, NAR offers two excellent certificate programs that do not take a lot of time to complete and will complement your current skill set.

First is e-PRO®. The current pandemic has rushed technology to the forefront in a way not seen before. Zoom, Microsoft and Webex meetings are happening hourly.

With many members still at home, and many that will stay there after the pandemic eases, having a heightened understanding of marketing strategies and how to make technology work for you with those strategies will give you an edge.



The second is At Home With Diversity. This course addresses issues of diversity, fair housing and cultural differences and how these dynamics influence you as a real estate professional.

Both vacant former Shopko stores have new owners. The Lake Hallie location was sold to Menards for public, indoor heated storage.

The Eau Claire location was sold to Swarm Properties and will be used to lease out storage space.

The outlot will be occupied by a Chipolte and three other businesses later this year.

Representatives in the Wisconsin Legislature

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67th Assembly

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OUR MISSION:

“RANWW/
NWWMLS UNITE
TO ADVOCATE FOR
REAL PROPERTY
RIGHTS, ADVANCE
PROFESSIONALISM
AND CONNECT MEM-
BERS WITH OUR
COMMUNITIES.”

RANWW GOVERNMENT AFFAIRS

The REALTORS® Association of Northwestern Wisconsin is the largest association in terms of area, stretching from Millston, Whitehall and Fountain City to the south all the way to central Bayfield and southern Ashland county to the north. We are the fourth largest of the 19 Associations in terms of membership. Your Association covers 385 units of local government, monitoring a wide variety of issues that can and do affect you. In addition to local government, your GAD also monitors issues at the state and national level that will have a direct or indirect impact on housing and the industry, as well as legislation that can affect the consumer. Your Government Affairs Director works with members and affiliates to raise investment dollars for RPAC that help to support elected officials that support your business. RANWW is one of only three REALTOR® Association's in Wisconsin that have their own PAC, which was started 41 years ago to support candidates at the local and state level. We maintain a Facebook page, called “The GADabouts”, that aims to keep you up to date on political issues that will affect your business. Your GAD also produces a periodic government affairs program posted on our YouTube channel, RANWWTV!!



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COMMITMENT TO EXCELLENCE

**Enhance your skills.
Empower your future.**

