



Council on Real Estate Curriculum and Examinations
Room 121C, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin, 608-266-2112
May 21, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

MEETING
10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1)

B. Approval of Minutes – April 9, 2014 (2)

C. Education and Examination Matters

1) WRA Proposed 2015-2016 CE Curriculum Recommendations (3-7)

D. Legislative/Administrative Rule Matters – Discussion and Consideration

1) Chs. REEB 12 and 25 – Proposed Rule Drafts (8-47)

E. Next Meeting Date: August 18, 2014

ADJOURNMENT

**COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS
TELECONFERENCE MEETING MINUTES
APRIL 9, 2014**

PRESENT: Robert Blakely, Marie Hetzer (At DPSP), Kathryne Kuhl, Robert Larson, Kathy Zimmermann (at DSPS)

STAFF: Brittany Lewin, Executive Director; Karen Rude-Evans, Bureau Assistant; Jean MacCubbin, Rules Coordinator

CALL TO ORDER

Marie Hetzer, Council Chair, called the meeting to order at 10:04 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Marie Hetzer moved, seconded by Robert Blakely, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

Corrections:

- Correct the spelling of Robert Blakely.

MOTION: Marie Hetzer moved, seconded by Kathy Zimmerman, to approve the Minutes of June 21, 2012 as amended. Motion carried unanimously.

2015-2016 REAL ESTATE SALES/BROKER CONTINUING EDUCATION CURRICULUM

Marie Hetzer and Robert Blakely requested the WRA provide the 2015-2016 Curriculum for the next Council meeting.

ADJOURNMENT

MOTION: Robert Blakely moved, seconded by Kathy Zimmermann, to adjourn the meeting at 11:15 a.m. Motion carried unanimously.

Proposed 2015-2016 Continuing Education Curriculum

Licenseses must complete 18 hours of continuing education during each biennium through six approved 3-hour courses. Courses 1, 2, 3 and 4 are mandatory for all licenseses; in addition licenseses must take two of the elective courses.

The proposal provides the Council suggestions for courses 1, 2, 3 and 4. In addition the materials provide suggestions for five elective courses; historically only approved four electives have been approved.

Specific sections of the Wisconsin state-approved forms have been provided for reference and may be adjusted due to the focus of the discussion of a specific Wisconsin state-approved form. For example, inspections and testing provisions in the WB-11 Residential Offer to Purchase lines 395–409 may be substituted with WB-15 Commercial Offer to Purchase lines 437-449)

Core Courses

Course 1 Wisconsin State-Approved Listing Contracts

- requirements for a valid listing contract – Wis. Stat. § 240.10
- client v. customer - Wis. Stat. § § 425.01(3m) and (3s)
- subagency – Wis. Stat. §§ 452.01(7r) and 452.133(4)
- agency relationships - Wis. Stat. § 452.134
 - Multiple representation with designated Agency
 - Multiple representation without designated agency
 - Reject multiple representation (single agency)
- agency disclosure – Wis. Stat § 452.135
- limited service listing – Wis. Stat. § 452.133(6), Wis. Admin. Code § REEB 16.04
- delivery in the Wisconsin state-approved listing contract
- cooperation and access to property– (e.g., residential WB-1, lines 26-33), Wis. Admin. Code § REEB 24.13(2)(a)
- offers of cooperation and compensation
- exclusions in the Wisconsin state-approved listing contract (e.g., residential WB-1, lines 34– 39)
- Fixtures as defined by the Wisconsin state-approved listing contract v. personal property (e.g., residential WB-1, lines 6-14 and 199-210)
- protected buyers/extension of listing in the Wisconsin state-approved listing contract (e.g., residential WB-1, lines 61-61 and 220-229)
- advertising – 17 USC §§ 201– 205, 1001– 1010, (Copyright Act) Wis. Stat. § 100.18, Wis. Admin. Code § REEB 24.04, 12 CFR Part 226 (Regulation Z)

Course 2 Wisconsin State-Approved Offers to Purchase

- financing contingency in the Wisconsin state-approved offer to purchase – Wis. Stat. § 224, Wis. Admin. Code § REEB 24.085
- title and methods of transfer; title insurance in the Wisconsin state-approved offer to purchase (e.g., residential WB– 11, lines 325– 368)

Proposed 2015-2016 continuing education curriculum prepared for the Real Estate Curriculum and Examinations Council on May 21, 2014 by the Wisconsin REALTORS® Association

- conditions affecting the property or transaction/property condition representations – (residential WB-11 lines 64-115 and 159-172) Wis. Stat. §§ 709.001– 709.08
- property damage between acceptance and closing – (e.g., residential WB– 11, lines 206– 215)
- Fixtures as defined by the Wisconsin state-approved offer to purchase v. personal property – Wis. Stat. § 77.27
- “as-is” transactions
- presentation of offer - Wis. Admin. Code §§ REEB 24.13 (1)-(3)
- withdrawal of offer
- appraisal contingency in the Wisconsin state-approved offer to purchase (e.g., residential WB-11, lines 264-271)
- WB-44 Counter-Offer
- WB-46 Multiple Counter-Proposal

Course 3 Wisconsin New Developments

- Wisconsin forms revisions
- Wisconsin laws/code/AG opinions
- Wisconsin cases
- proposed changes to Wisconsin rules, statutes, forms

Course 4 Ethics and Fair Housing in Wisconsin*

* This course would also include National Association of Realtors ethics requirements

- maintain and improve standards of practice – Wis. Stat. § 452.09, Wis. Admin. Code § REEB 25.065
- competency, fairness, and integrity – Wis. Admin. Code § REEB 24.03; Realtor Code of Ethics Article 11
- protecting clients’ interests – Wis. Stat. § 452.133
- honesty with all parties – Wis. Admin. Code § REEB 24.085; Realtor Code of Ethics Article 1
- cooperating with other agents to advance client’s interest– Wis. Admin. Code § REEB 24.13(4), REEB 24.13(5)
- timely communication – Wis. Admin. Code § REEB 24.13(4), REEB 24.13(5)
- equal services to all clients and customers - Wis. Admin. Code § REEB 24.03
- fair housing - Wis. Stat. § 106.50
- Realtor Code of Ethics Preamble and Golden Rule
- Complaint Process at the Department of Safety and Professional Services
- Code of Ethics Article 17 - Realtors disputes to arbitration
- Realtor professional standards enforcement process

Electives

Disclosures in a Wisconsin Transaction

- licensee disclosure – Wis. Stat. §§ 452.23, 452.24, 106.50
 - disclosure of material adverse facts
 - inspection of property by licensees
 - asking seller about condition of property and getting response in writing
 - licensee is not obligated to disclose
- seller disclosure – Wis. Stat. §§ 709.01– .08
- lake lots– Wis. Stat. § 59.692, §, Wis. Admin. Code § NR 115,
- shoreland zoning – Wis. Stat. § 59.692, Wis. Admin. Code § NR 115
- environmental matters
 - gas (radon and carbon monoxide)
 - lead-based paint
 - methamphetamines
 - underground storage tanks (USTs)
 - asbestos
 - water (nitrate, radium, arsenic)
- easements – Wis. Stat. § 709
- renovations and permits – Wis. Stat. §§ 709.01– .08,
- nonconforming use – Wis. Stat. § 59
- misrepresentation – Wis. Stat. § 100.18

Risk Reduction for Wisconsin Licensees

- liability – Wis. Stat. § 452.12(3), 452.139(2)(a)
- supervision – Wis. Stat. §§ 452.01(7), 452.01(4d), 452.01(4p), 452.12(3) Wis. Admin. Code § REEB 17
- Wisconsin E-commerce and Federal E-Sign - Wis. Stat. §§ 137.11– 26, 15 US code chapter 96
- office policy manual – Wis. Admin. Code § REEB 17.08
- post– closing disputes – Wis. Admin. Code § REEB 16.05, Wis. Admin. Code § 24.06
- RESPA and affiliated businesses – 12 USC 2601– 2617
- unauthorized practice of law – Wis. Admin. Code § REEB 24.06, SCR 23
- record retention – Wis. Admin. Code § REEB 15
- disclosure of compensation and interests – Wis. Admin. Code § 24.05
- incentives vs fee -splitting – Wis. Stat. § 452.19

Inspections and Testing in Wisconsin Transactions

- inspection and testing section per the state-approved Wisconsin Offer to Purchase (e.g., residential WB– 11, lines 395– 409)
- what is an inspection per the Wisconsin Offer to Purchase (e.g., residential WB– 11, lines 395– 409)
- who can inspect per the state-approved Wisconsin Offer to Purchase (e.g., residential WB– 11, lines 395– 433); Wis. Stat. §§ 440.97– 979
- what is a test per the state-approved Wisconsin Offer to Purchase (e.g., residential WB– 11 lines 395– 433)
- who can test per the state-approved Wisconsin Offer to Purchase (e.g., residential WB– 11, lines 395– 409)
- inspection and testing results per the state-approved Wisconsin Offer to Purchase (e.g., residential WB– 11, lines 395–433)
- using the Wisconsin state-approved amendment (WB-40)– Wis. Admin. Code §REEB 16
- using the Wisconsin state- approved notice (WB-41) – Wis. Admin. Code §REEB 16
- right to cure per the state-approved Wisconsin Offer to Purchase (e.g., residential WB– 11, lines 395–433)
- using the state-approved Wisconsin Cancellation Agreement & Mutual Release (WB-45)
- seller amending the condition report – Wis. Stat. §§ 709.035 and 709.05
- disclosure material adverse facts by licensees – Wis. Stat. § 452.133

Negotiating for Parties in Wisconsin Transactions

- brokerage services – Wis. Stat. § 452.01(3e)
- broker – Wis. Stat. §§ 452.01 (2) and (3)
- agency relationships – Wis. Stat. § 452.134(1)
- negotiation – Wis. Stat. § 452.01(5m)
- duties of brokers – Wis. Stat. § 452.133
- agency disclosure – Wis. Stat. § 452.135; Wis. Admin. Code § REEB 24.07(8)
- drafting and presentation of written proposals – Wis. Admin. Code § REEB 24.13
- drafting a Wisconsin offer to purchase for a buyer-customer v. buyer-client
- contacting represented parties– Wis. Admin. Code § REEB 24.13
- verbal negotiations – Wis. Stat. § 706.01, Wis. Admin. Code § REEB 24.04
- acceptance per the state-approved Wisconsin Offer to Purchase (e.g., residential WB-11, lines 23-26)
- binding acceptance per the state-approved Wisconsin Offer to Purchase (e.g., residential WB-11, lines 27-30)
- activities by an unlicensed assistant - Wis. Admin. Code § REEB 17.12(2)
- WB-44 Counter-Offer
- WB-40 Amendment to Offer to Purchase
- WB-46 Multiple Counter-Proposal

Wisconsin Condominiums

- creating condominiums – Wis. Stat. § 703.07
- condition report and other disclosures
- disclosure documents – Wis. Stat. § 703.33
- Wisconsin listing document – WB-4
- Wisconsin purchase documents – WB-14
- financing
- rental
- rights of first refusal – Wis. Admin. Code. § REEB 24.12

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Jean MacCubbin, Administrative Rules Coordinator		2) Date When Request Submitted: 20140508																					
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 																					
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board-Subcomm. Curr & Exam																							
4) Meeting Date: 20140521	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? LEG_ADMIN MATTERS 1. Discuss and Consider Proposed Rule Draft Chs. REEB 12 & 25																					
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:																					
10) Describe the issue and action that should be addressed: <p style="margin-left: 40px;">1. Discuss and Consider Proposed Rule Draft chs. REEB 12 & 25</p> <p style="margin-left: 40px;">First moved, seconded by Second, to approve the revisions/creation of chs. REEB 12 & 25 relating to Eudcation and Curriculum for submittal to the full Board at a future meeting. Motion carried unanimously.</p>																							
11) <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;"></td> <td style="width: 20%; text-align: center;">Authorization</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>Jean MacCubbin</td> <td></td> <td style="text-align: center;">20140521</td> <td></td> </tr> <tr> <td>Signature of person making this request</td> <td></td> <td style="text-align: center;">Date</td> <td></td> </tr> <tr> <td>Supervisor (if required)</td> <td></td> <td style="text-align: center;">Date</td> <td></td> </tr> <tr> <td>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td></td> <td style="text-align: center;">Date</td> <td></td> </tr> </table>					Authorization			Jean MacCubbin		20140521		Signature of person making this request		Date		Supervisor (if required)		Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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To: Real Estate Curriculum and Examinations Council

From: Cori Lamont, Director of Regulatory Affairs
Jennifer Lindsley, Director of Training and Staff Attorney

Date: May 14, 2014

RE: Comments to draft of Wis. Admin. Code Ch. REEB 12 and 25

Remove all possessive references when unnecessary (e.g., 25.02(2))

REEB 12

Section 2

Clarification requested: as printed – the applicant for an original broker license would need to practice 2 years as a salesperson OR pass the test? We do not believe that is the intent. The intent is to have both the proof of experience AND passing of the examination.

Section 3

(5) Evidence of Experience – remove “when requested” from the sentence since it is referenced under (b).

Section 8

12.025 should not be repealed in its entirety. Only 12.025(1) should be repealed. 12.025(2) provides the test taker the opportunity to review a summary of the examination areas when they have failed; we believe that review has a purpose.

Section 9

(2) Broker. Clarification requested: as printed – the applicant is not required to show experience is that true for all non-resident broker applicants?

Section 14

Remove the reference to inactive. Inactive is an obsolete term per statute and rule for real estate licensees.

(1) (a) and (b) – change my to may

(2) (a) and (b) – change my to may

(2) (b) – if it has been more than five years and someone is now applying for renewal or reinstatement, shouldn't they be required to take more than the CE requirements in the 2 year period preceding request for renewal?

(2)(e) – if it has been more than five years and someone is now applying for renewal or reinstatement, can the state require the individual to show experience as a salesperson before

becoming a broker? Or is it because 2013 Wisconsin act 133 (broker experience) uses the term applicant that the board could not require experience of the five plus years person?

REEB 25

Section 16

Consider changing the definition of “distance education” to reflect accurate technology. For example, (5m) “Distance education” CD-ROM, computer disk.

(7) – insert “classroom education” between actual instruction. This change would clarify that hour as 50 minutes only applies to classroom education and not distance education.

Section 17

(1)(a) – recommend changing the beginning of the sentence by deleting “Except when the applicant meets any of the experience requirements in s. REEB 12. 015(3) to (6)” so that the beginning sentence reads: Each applicant for an original real estate broker’s license shall present evidence satisfactory to the board of successful completion, within 5 years before application for a license, of any educational program in this section in addition to s. REEB 12. 015(3) to (6) requirements.

Change 5 years to 4 years? This change will provide continuity with the broker experience requirements. If so, then change any correlating references in REEB 12.

(1)(b) – modify the sentence to reflect the following changes: The educational program for applicants for an original real estate broker’s license shall cover all of the ~~following~~ specified approved by the board specified in Table 25.02 and shall be designed so that if the educational programs were presented as classroom education and presented in no less than 72 hours.

Insert note about the content being available on DSPS’ site.

Removing all education content from the rule allows more fluidity to curriculum changes as laws change.

(2) - recommend changing the beginning of the sentence by deleting “Except when the applicant meets any of the experience requirements in s. REEB 12. 015(3) to (6)” so that the beginning sentence reads: Each applicant who has held an active real estate broker’s license in another licensing jurisdiction within the 2-year period preceding the date of application for an original real estate broker’s license in Wisconsin in addition to s. REEB 12. 015(3) to (6) requirements...

(2)(c) – Modify the sentence to reflect the following changes: The educational program for out-of-state applicants for an original real estate broker’s license shall cover all of the ~~following~~ topics specified approved by the board specified in Table 25.02 and shall be designed so that if the educational programs were presented as classroom education and **each topic** for the out-of-state pre-license program would be presented in no less than 3 hours:

Is 3 hours education enough time for an out of state broker. Originally the broker pre-license course was 36 hours and the out of state education was 3 hours, should it be longer now that the broker pre-license course is 72 hours?

Remove all education content from the rule as previously discussed to allow more fluidity as to curriculum changes as laws change. Insert note about the content being available on DSPS' site. New content should be created to include agency, WB forms, etc.

Section 20.

- (1) Change 5 years to 4 years
- (2) clarification requested – is shall the appropriate word?
- (3) modify the sentence to read: The educational program for applicants for an original real estate salesperson's license shall cover all of the following topics determined by the board in Table 25.03 and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 72 hours.

Remove all education content from the rule as previously discussed to allow more fluidity as to curriculum changes as laws change.

Section 22

REEB 25.025 was repealed in section 19. It is likely that this was supposed to read REEB 25.035 is repealed. However, the draft does not address changes to REEB 25.035. It would appear that changes to REEB 25.035 were supposed to be incorporated into section 21, but were not included in the draft.

Section 23

Please address Section (4) - consider defining what changes to course materials warrant resubmission of education providers

Section 24

Please address Section (2)(a)- “The department may limit its approval to specific areas set forth in ss. REEB 25.02(2) and 25.03(3).” If the content is going to be removed from the rule itself should this sentence be modified?

Section 26

(2) should not be deleted in its entirety. Delete only – “except that pursuant to s. 452.12(5)(c) 2., ...” Through the end of the sentence.

Section 27

Please address Section (5) - Remove the exemption of individuals who received their license that biennium from completing CE

Please address proposed NEW item

- Brokers: Require all newly licensed brokers to take the same 18 hours of CE courses as all other licensees.
 - An exemption could be created if the individual received their license in October of the even year since they would only have two months of that biennium left.
- Salespersons: Create a “rookie” CE course for newly licensed salespersons. This would be a one-time CE track that must be achieved by a newly licensed salesperson.
 - The curriculum to be created by the Real Estate Curriculum Council should include but not limited to the following topics: listing contracts, buyer agency, offer to purchase, ethics and fair housing and new developments
 - Some portion, if not all of the course should be completed in a some sort of interactive format

- Any licensee may take the rookie CE courses as a CE course, but are limited to only 6 hours and shall apply the credit as elective courses, thus still requiring all licensees to complete the four mandatory courses.
- Could be created to allow some of the “regular” CE hours to be used. For example, CE 3 new developments and the elective courses.
- If an individual was previously licensed and they let their license “lapse” and now wishes to reinstate their license and since the board may set the educational requirements, the council/board may consider having the individual take the following based upon their license:
 - Salesperson: “Rookie” CE course and all other required education
 - Broker: 18 hours of CE and all other required education

(6m) – this section should be removed in its entirety because as modified it does not make sense. All licensees must complete course and pass the exam. This section exists only because of the test-out exam which was statutorily removed several years ago.

Section 32

Shouldn't all other paragraphs be renumbered as well after (b)?

Section 35

(1) clarification requested – is shall the appropriate word?

Plain language analysis:

The Board seeks to update, clarify, correct or repeal provisions relating to original, renewal and examination applications; documentation of applications; internal processing of applications and examinations including, but not limited to, parts of original and renewal examinations; and the handling of expired licenses. In addition, the Board seeks to update, clarify, correct, or repeal provisions relating to definitions; educational program content, continuing education and requirements for real estate brokers and real estate salespersons; means by which education is presented; and requirements for out-of-state applicants and licensees. Other changes reflect provisions within recently enacted Wis. Acts, such as 2013 Act 114 and 2013 Act 133, providing a new route for application as a broker which safeguards the interests of the public, and only after satisfactory proof of the person's competence by providing more equivalent experience in real estate – related fields.

SECTION 1.

Summary of, and comparison with, existing or proposed federal regulation:

An Internet-based search of the U.S. Code and the code of federal regulations (CFR) for applications and education relating to the licensing of real estate brokers and real estate salespersons did not reveal any existing or proposed regulations for licensure at the federal level.

Comparison with rules in adjacent states:

An Internet-based search, revealed the following information:

Illinois: In Illinois, the department of financial and professional regulation has the authority to issue licenses for real estate brokers and salespersons. In this state, pre-application education prior to taking an examination is: 90 hours of pre-broker curriculum, 15 hours of which is interactive. The balance of 75 hours is classroom/interactive that includes “career paths” or specialties.

For the first renewal year, 12 hours of continuing education (CE) are required; this includes a minimum of 6 hours approved as core curriculum and no more than 6 hours approved as an elective curriculum. Thereafter, a licensee is required to obtain a total of 30 hours per renewal cycle.

Illinois recently dropped the salesperson license and now the state licenses only brokers and managing brokers; therefore, time spent as a salesperson is no longer criteria for eligibility to take the broker examination.

Iowa: In Iowa, the professional licensing bureau regulates real estate licensees; a broker applicant must have 24 months of active salesperson experience and complete 72 hours of broker pre-license education within the preceding 24 months of passing the examinations.

All salespersons and all brokers must complete the required continuing education prior to December 31 of their renewal year. This requirement includes: 8 hours law update, 4 hours ethics, and 24 hours commission-approved electives. Up to 24 hours of CE may be taken by correspondence/home study during each 3-year renewal period.

In addition, to apply for a broker's license, 2 years as a real estate salesperson is required.

Michigan: In Michigan, the department of licensing and regulatory affairs oversees brokers licensing regulations. Coursework is required within 36 months of application consisting of 90 clock hours of approved coursework.

The course hours required for renewal total 18 hours of CE per 3-year cycle, of which two hours of legal updates are required on an annual basis.

In addition, to apply for a broker's license, at least 3 years fulltime as a real estate salesperson is required.

Minnesota: In Minnesota, the department of commerce regulates real estate brokers. No pre-application course work requirements were found, although there is a requirement for at least 3 years of licensed real estate salesperson experience in Minnesota or another state with comparable requirements within the 5 years prior to the date of application for the broker's examination.

The licensee is required to verify at renewal the completion of 30 hours of CE within the 2 years prior to each renewal; this includes at least one hour each of fair housing law and agency law, and a required residential leasing module coursework.

In addition, to apply for a broker's license, one is required to have at least 3 years of licensed real estate salesperson experience in Minnesota or another state with comparable requirements within the 5 years prior to the date of application for the broker's examination.

Summary of factual data and analytical methodologies:

Consistent with s. 452.06 (2) (b), Stats., the council on real estate curriculum and examinations reviewed the subject matter and course topics for both pre-application and

continuing education for brokers and salespersons. This review was undertaken to reflect the applicant's or licensee's competency to transact such businesses in a manner, which that safeguards the interests of the public, and only after satisfactory proof of the person's competence has been presented. Such recommendations were subsequently approved by the Board for future rulemaking action and implementation. This proposed rule includes these modifications for pre-application education.

In addition, the 2013 Wisconsin Act 133 in s. 452.09 (4), Stats., provided the board authority to determine equivalent experience as well as standards used to determine when a waiver may be administered. These standards may be more fully implemented after reviewing applications submitted based on new process recognizing real estate related experience.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Major provisions in 2013 Wisconsin Act 114, "the job readiness act", allow an additional route to apply for a real estate broker's license without first practicing as a licensed salesperson. Additionally, the Wisconsin Act 113 provides for multiple routes to be qualified to take the broker's exam, specifically by relying on competence gained through real estate-related experience. Both of these pieces of legislation greatly reduce the time in which a broker applicant may gain related experience and become so licensed in this state.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov; or by telecommunications relay services at 711.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov. Comments must be received on or before _____ to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. REEB 12.01 (1) (b) and (c) 2. (Note) are amended to read:

REEB 12.01 Applications. (1) (b) *Action on completed applications.* The board shall review and make a determination on an original application for a license within 60 business days after a completed application is received by the department. An application ~~is completed~~ shall be considered complete when all materials necessary to make a determination on the application and all materials requested by the board have been received.

(c) 2. **Note:** Applications, including Form #809, are available upon request to the department ~~offices located to the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing~~ 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 or download from the department's webpage: <http://dsps.wi.gov/>.

SECTION 2. REEB 12.015 (2) (title) and (intro.) are amended to read:

REEB 12.015 (2) BROKER'S EDUCATION ELIGIBILITY REQUIREMENT. ~~An~~ A qualified applicant for examination to obtain an original real estate broker's license shall complete the education requirements specified in s. REEB 25.02 (1) and shall either hold a Wisconsin real estate salesperson's license, practiced as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of the applicant's application, met the experience eligibility requirements in s. REEB 12.015 (3) to (5), or shall have passed the salesperson's examination pursuant to s. REEB 12.02.

SECTION 3. REEB 12.015 (3), (4), (5) and (6) and Table 12.015-1 are created to read:

REEB 12.015 (3) BROKER'S EXPERIENCE ELIGIBILITY REQUIREMENTS. **After July 1, 2014,** a qualified applicant for examination to obtain an

original real estate broker's license shall provide evidence of completion of the experience requirements specified in Table 12.015 and shall meet any of the following:

(a) Provide satisfactory evidence to the board that the applicant has practiced as a real estate salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of application for a broker's license, excluding any time spent as an apprentice.

Note: Chapter REEB 22, Apprentices, was repealed effective July 1, 2014.

(b) Provide evidence satisfactory to the board that the applicant has a license to practice law in this state and has experience related to real estate.

(c) Provide evidence satisfactory to the board that the applicant holds a contractor certification under s. 101.654, Stats., and has experience related to real estate sales.

Note: For requirements for contractor certification, see ch. SPS 305, subch. III.

(d) Except as provided in a reciprocal agreement under s. 452.05 (3), Stats., a qualified applicant who is a non-resident of this state and who provides evidence satisfactory to the board that the applicant has held a real estate broker's license under the laws of another state for at least 2 years within the last 4 years preceding the date of application. **This paragraph applies to all endorsed licensed applicants from other states.**

(e) **As specified in s. 452.09 (4) (e), Stats., the board may waive requirements under pars. (a) to (d) for any applicant including any of the following that apply:**

1. **For individuals qualified to apply under sub. (3) (b), the minimum applicable points in Table 12.015 shall be reduced by 50 percent.**

2. **For individuals qualified to apply under sub. (3) (c), the minimum applicable points in Table 12.015 shall be reduced by 50 percent.**

3. **The board may approve additional waiver requirements based on satisfactory evidence demonstrating an applicant's competence to practice as a real estate broker.**

Table 12.015
Experience Requirements to Obtain a Real Estate Broker License
For Other than Licensed Salespersons

Categories of Experience	Applicable Points
Completed closed transactions	40 minimum^d
1. Residential ^a	5 each
2. Commercial ^b	10 each
3. Property management (residential, commercial)	--
a) property management contract^c	0.5 point per month
b) time share	1 point per unit sold

^a Residential includes: single family dwelling units, 2 to 4 unit dwellings, improved lots, and vacant lots.

^b Commercial includes: business opportunities, vacant land, hotel/motel, industrial or warehouse office, farms, retail buildings, and commercial listings.

^c **Property management contract includes: residential units, single dwelling units, and commercial tenant spaces.**

^d See s. REEB 12.015 (3) (e) for waiver of the minimum points for qualified applicants.

(4) OTHER EXPERIENCE ELIGIBILITY REQUIREMENTS. The experience eligibility requirements for a broker's license as specified in sub. (3) may be substituted when the applicant submits evidence satisfactory to the board that any of the following apply:

(a) An applicant is licensed to practice law in the state and has experience related to the practice of real estate.

(b) An applicant holds a current certificate of financial responsibility under s. 101.654, Stats., and has experience related to real estate sales.

(c) An applicant is a non-resident, has been a licensed broker in another state for at least 2 years within the last 4 years preceding the application for a broker's license and the state where the license is held, the board has entered into reciprocal agreements with officials of other states or territories of the United States for licensing brokers and salespersons and grant licenses to applicants who are licensed as brokers or salespersons in those states or territories according to the terms of the reciprocal agreements, as specified in s. 452.05 (3).

(5) EVIDENCE OF EXPERIENCE. **Except for waivers as provided in s. REEB 12.015 (3) (e),** applicants for a real estate broker's license under sub. (3) shall **provide** satisfactory evidence to the board, that the experience as a license salesperson qualifies the applicant for a total of at least 40 points based on the point system as specified in Table 12.015.

(a) Satisfactory evidence may include corresponding documentation such as transaction logs.

(b) Satisfactory evidence shall be maintained for no less than 5 years and made available to the board upon request.

Note: The board-approved form #809 includes an area to record and verify such experience, which is available upon request to the department offices located at the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 or download from the department's webpage: <http://dsps.wi.gov/>.

(6) WAIVER OF EXPERIENCE ELIGIBILITY REQUIREMENTS. As provided in s. 452.09 (4) (e), Stats., the board may waive the experience requirements in subs. (3) and (4) based on established standards. Individuals qualified to apply under this subsection shall hold a current license free of discipline, and without limitations or conditions. The standards for a waiver may include any of the following:

(a) For individuals qualified to apply under sub. (3) (b), the experience real estate related shall be for at least one year within the last 4 years preceding the date of the applicant's application.

(b) For individuals qualified to apply under sub. (3) (c), the experience related to real estate shall be for at least one year within the last 4 years preceding the date of the applicant's application.

(c) For individuals qualified to apply under sub. (3) (d), the experience related to real estate shall be for at least one year within the last 4 years preceding the date of the applicant's application. This paragraph applies to all endorsed licensed applicants from other states.

SECTION 4. REEB 12.02 (1) (intro.), (a), and (b) are repealed and recreated as to read:

REEB 12.02 Examinations for residents. (1) WRITTEN EXAMINATIONS. Each resident applicant for examination to obtain a real estate broker's or salesperson's license shall read and write a comprehensive examination in English, testing that person's competency to transact the business of a real estate broker or salesperson.

(a) The examination shall be in conformity with s. 452.09 (3), Stats.

(b) The exam shall measure knowledge and skills relevant to the general practices and principles of real estate that are common to or "uniform" among all licensing jurisdictions.

(c) The exam shall contain questions dealing with state and federal real estate laws, rules, and regulations, and other aspects of real estate practices appropriate to the state of Wisconsin.

SECTION 5. REEB 12.02 (2) (b) is repealed.

SECTION 6. REEB 12.02 (2) (a) is renumbered as REEB 12.02 (a) and (b) and amended to read:

REEB 12.02 (2) COMPETENCY. (a) The score required to pass an examination, ~~or each part of a 2-part examination,~~ shall be based on the board's determination of the level of examination performance required for minimum acceptable competence in the profession.

(b) The board shall make the determination after consultation with subject matter experts ~~who have received a representative sample of the examination questions and available candidate performance statistics,~~ and shall set the passing score for the examination at that point which represents minimum acceptable competence in the profession.

SECTION 7. REEB 12.02 (2) (Note) is created to read:

REEB 12.02 (2) Note: Reasonable accommodations for an individual having a verified disability shall be provided upon request.

SECTION 8. REEB 12.025 is repealed.

SECTION 9. REEB 12.02 (3) is repealed and recreated as recreated is renumbered as REEB 12.025 to read:

REEB 12.025 Examinations for non-residents. Each non-resident applicant for examination to obtain a real estate broker's or salesperson's license shall read and write a comprehensive examination in English, testing that person's competency to transact the business of a real estate broker or salesperson.

(1) **SALESPERSON.** An applicant for a license as a salesperson who submits proof to the board that he or she held a salesperson's license in another state at any time during the 2 years immediately preceding the date of application in Wisconsin shall be required to take and pass the salesperson's examination.

(2) BROKER. (a) An applicant for a license as a broker who does not hold a salesperson's license in Wisconsin and who submits proof to the board that he or she held a broker's license in another state within 2 years prior to the date of application in Wisconsin shall be required to complete the education requirement in s. REEB 25.02 (1) and take and pass the broker's examination.

(b) An applicant for a license as a broker who holds a salesperson's license in Wisconsin and who submits proof to the board that he or she holds a broker's license in another state within 2 years prior to the date of application in Wisconsin shall be required to take and pass the broker's examination.

Note: Reasonable accommodations for an individual having a verified disability shall be provided upon request.

SECTION 10. REEB 12.03 (intro.) is amended to read:

REEB 12.03 Time for completing licensure requirements. An applicant for a broker's or salesperson's license who successfully completes ~~both the uniform and state parts of~~ the examination, as provided in this chapter, has one year following the date of examination to complete all other requirements for licensure. No license shall be granted until all requirements are met. If the applicant fails to complete all of the requirements within the one-year period, he or she ~~shall~~ may reapply and shall be required to successfully complete the examination before a license may be granted.

SECTION 11. REEB 12.04 (1) (a) and (2) are amended to read:

REEB 12.04 (1) (a) The applicant shall ~~either~~ provide upon request proof of having successfully completed the ~~classroom~~ education, which was required during the biennium preceding the date of renewal of the applicant's license, ~~provide proof of having successfully passed the test-out examination which was administered during the biennium preceding the date of renewal of the applicant's license,~~ or provide proof of ~~having successfully completed any 8 of the 15 hours of education in s. REEB 25.03 (3) (h) and the 4 hours of education in s. REEB 25.03 (3) (m), or of having successfully completed the educational program in s. REEB 25.035 (2).~~ In this paragraph "successfully completed" means passing an examination pursuant to s. REEB 25.066 (6) ~~(d)~~.

(2) MORE THAN 5 YEARS. If an applicant files an application for renewal of a real estate license 5 or more years after the renewal date ~~and the applicant is not registered as an inactive licensee,~~ the applicant shall pay the late renewal fee specified in s. 440.08 (3), Stats., the examination fee specified in s. 440.05 (1) (b), Stats., and shall satisfy all education and examination requirements, as follows:

SECTION 12. REEB 12.04 (2) (a) 3. (Note) and 4. (Note) are created to read:

REEB 12.04 (2) (a) 3. Note: For more examination information by license, see: <http://dsps.wi.gov/Licenses-Permits/Credentialing/Business-Professions/> or contact Pearson VUE (<http://www.pearsonvue.com/wi/realestate/> or by calling 1-888-204-6284) to schedule an appointment to take the examination as well as access to updates on exam fees and schedules.

REEB 12.04 (2) (a) 4. Note: Section 452.12 (5) (c), Stats., reads: “At the time of renewal, each broker or salesperson shall submit proof of attendance at and successful completion of continuing education programs or courses approved under s. 452.05 (1) (g).”

SECTION 13. REEB 12.04 (2) (b) 1. and 2. are amended to read:

REEB 12.04 (2) (b) Examination requirements. 1. ~~An~~ Except for the provisions in s. REEB 12.015 (2) to (6), an applicant for a broker’s license shall successfully pass both the salesperson’s and the broker’s examination pursuant to s. REEB 12.02.

2. An applicant for a salesperson’s license shall successfully pass the salesperson’s examination pursuant to s. REEB 12.02.

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination pursuant to s. 440.07 (2), Stats. For more information, see the department’s webpage: <http://dsps.wi.gov/Licenses-Permits/Credentialing/Business-Professions/>.

New process to be developed 3/26 as per Sharon; awaiting Legal Counsel input; NOTE: items (1) (a)-(e) and (2) (a) – (d) were suggested by the Council on Curr. & Educ.

SECTION 14. REEB 12.045 is created to read:

REEB 12.045 Renewal after license suspension, revocation, or surrender. The license and license number granted to an individual under this chapter shall be for a lifetime, whether the license is active, revoked, suspended, or surrendered. Under s. 452.17, Stats., an individual shall only practice real estate and use the title of real estate broker or salesperson when such license is current and without conditions.

(1) LESS THAN 5 YEARS. The board shall require that an individual applying for renewal or reinstatement of a suspended, revoked, or surrendered license to submit evidence of having completed the requirements under s. REEB 12.04 (1) and any of the following:

(a) The board may request evidence of completion of any conditions of suspension, revocation, license limitations, or voluntary surrender.

(b) The board may request evidence of completion of continuing education requirements in the 2-year period preceding request for renewal.

(c) Under s. 452.09 (1), Stats., the board may dispense application requirements as it deems unnecessary in view of prior applications of an individual applying for renewal or reinstatement of a suspended, revoked, or surrendered license.

(d) Any other information that the board may reasonably require to enable it to determine the competency of each applicant to transact the business of a real estate broker or salesperson in a manner that safeguards the interests of the public.

(2) MORE THAN 5 YEARS. The board shall require that an individual applying for renewal or reinstatement of a suspended, revoked, or surrendered license to submit evidence of having completed the requirements under s. REEB 12.04 (2) and any of the following:

(a) The board **may** request evidence of completion of any conditions of suspension, revocation, license limitations, or voluntary surrender.

(b) **The board may request evidence of completion of education requirements in s. REEB 12.04 (2) (a) in the 5-year period preceding request for renewal.**

(c) The board may request the individual to meet the examination requirements in s. REEB 12.02.

(d) Under s. 452.09 (1), Stats., the board may dispense application requirements as it deems unnecessary in view of prior applications of an individual applying for renewal or reinstatement of a suspended, revoked, or surrendered license.

(e) Any other information that the board may reasonably require to enable it to determine the competency of each applicant to transact the business of a real estate broker or salesperson in a manner that safeguards the interests of the public.

SECTION 15. REEB 25.005 is amended to read:

REEB 25.005 Authority. The following rules are adopted pursuant to ss. 227.11 (2), 452.05, 452.07, 452.09-~~(2)~~ and ~~(3)~~₂ and 452.12 (5) (c), Stats.

SECTION 16. REEB 25.01 (2m), (5m) and (7) are amended to read:

REEB 25.01 (2m) “Classroom education” means the provision of educational programs or courses to one or more students in a setting ~~in which~~ that either an instructor is physically present with the students or a representative of an approved school is physically present with the students for the purpose of taking attendance and providing instruction by electronic means including: audiotape, cable television, satellite line or other similar method and the instructor is available for student questions by telephone or E-mail, or by a continuous 2-way ~~audio or audiovisual~~ connection.

(5m) “Distance education” means the provision of educational programs or courses without an instructor or a representative of an approved school physically present with the students, but the instructor or representative may be available to attendees visually or audibly. “Distance education” or distance learning includes, but is not limited to, the delivery of educational programs and courses ~~on CD-ROM, computer disk,~~ by means of self-guided software programs aimed at individuals or large-scale interactive participation by access via the Internet, web or other network technologies.

(7) “Hour” means a period of no less than 50 minutes of actual classroom education instruction and ~~shall not include~~ including any time spent in writing completing tests or examinations given by the school or course evaluations.

SECTION 17. REEB 25.02 is repealed and recreated to read:

REEB 25.02 Pre-license education program requirements. (1) RESIDENT BROKER APPLICANT. (a) Each applicant for an original real estate broker’s license shall present evidence satisfactory to the board of successful completion, within 5 years before application for a license, of any educational program in this section. The educational program shall be approved in accordance with this chapter. **The applicant shall** either satisfy the salesperson’s educational requirements in s. **REEB 25.03 (3)** or present evidence satisfactory to the board of licensure as a salesperson, in addition to the experience requirements in s. REEB 12.015 (3) to (6).

(b) The educational program for applicants for an original real estate broker’s license shall cover all of the course topics approved by the board and as specified in Table 25.02 and shall be designed so that if the educational programs were presented as classroom education and presented in no less than 72 hours.

(2) OUT-OF-STATE LICENSED BROKER APPLICANT. (a) In addition to the experience requirements in s. REEB 12.015 (3) to (6), each applicant who has held an active real estate broker’s license in another licensing jurisdiction within the 2-year period preceding the date of application for an original real estate broker’s license in Wisconsin may satisfy the broker’s educational requirements of s. REEB 25.02 (1) by submitting evidence of one of the following:

(a) Completion of the educational programs under sub. (2) and s. REEB 25.035 (2) at a school approved by the board under s. REEB 25.05 or 25.06.

(b) Satisfaction of the requirements in s. REEB 25.02 (1) (b) or (c).

(c) The educational program for out-of-state applicants for an original real estate broker’s license shall cover all of the course topics specified in Table 25.02 and shall be designed so that if the educational programs were presented as classroom education and

each topic for the out-of-state pre-license program would be presented in no less than 3 hours:

SECTION 18. REEB 25.02 Table 25.02 created to read:

[LRB to make table into 6-columns, if possible, to reduce the number of pages for this table.]

**Table 25.02
Real Estate Brokers
Pre-License Educational Requirements for Original Applicants**

<u>Course Topic and Topic Content (associated form)</u>	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
A. Contracts		
1. Definition of a contract	X	
a. Contract versus agreement	X	
2. Elements of a valid contract	X	
a. Offer, offer to purchase, counter offer	X	
b. Acceptance	X	
c. Consideration	X	
d. Competent parties	X	
3. Parties to a contract	X	X
a. Parties to an Agency Agreement	X	
b. Parties to a sales contract, option, lease, etc.	X	
c. Multiple parties	X	
d. Agency parties	X	
4. Creating binding contracts	X	
a. Signatures	X	
b. Acceptance, deliver, binding acceptance	X	
c. Deadlines	X	
d. Delivery, inc. e-sign	X	
5. Validity of contracts	X	
6. Drafting contracts and contingencies	X	
a. Proper drafting	X	
b. Pre-printed	X	
c. Customized	X	
7. Ending the contractual relationship	X	

<u>Course Topic and Topic Content</u> (associated form)	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
a. Rescission	X	
b. Termination	X	
c. Modification	X	
d. Death of a party	X	
e. Default, breach	X	
8. Time is of the essence	X	
9. Acceptance versus counteroffers	X	
10. The law of conveyances	X	
a. Conveyance defined	X	
b. Requirements for a valid conveyance	X	
11. Agreement to arbitrate real estate transaction disputes — s. 788.015, Stats.	X	
12. Commercial real estate commission lien — s. 779.32, Stats.	X	
<u>B. Approved Forms</u>		
1. The forms approval process	X	
a. Forms committee.	X	
b. Real estate examining board	X	
c. Department of Safety and Professional Services	X	
2. The authorized practice of law	X	
a. Reynolds v. Dinger, 14 Wis. 2d 193	X	X
b. Approved forms and legal advice – ch. REEB 16	X	
3. Review of forms	X	
a. Listing contract	X	
b. Offers	X	
c. Counteroffer (WB-44)	X	
d. Amendment (WB-40)	X	
e. Buyer agency agreement (WB-36)	X	
f. Listing Contract for Lease of Real Property (WB-37)	X	
g. Grant of option	X	
h. Bill of sale	X	
i. Offer to exchange property with acceptance	X	
j. Cancellation and mutual release	X	
k. State bar forms — s. REEB 16.03 (1)	X	X

<u>Course Topic and Topic Content (associated form)</u>	Broker Pre-License Program	Out-of-State Broker Pre-License Program ^a
L. Uniform commercial code forms	X	X
m. Forms used in other states	X	X
4. Developing a form and contingency manual	X	X
5. Supervising salesperson's use of approved forms	X	X
6. Commercial real estate broker's commission lien—s. 779.32, Stats.	?	X
<u>C. Trust Accounts, Escrow, Closing Statement</u>		
1. Trust accounts — ch. REEB 18, s. 452.13, Stats.	X	X
a. Trust account definition	X	
b. Trust funds definition	X	
c. When is a trust account required	X	
d. Registering a trust account	X	X
e. Procedure to open an interest bearing trust account	X	X
f. Procedure to open an interest-bearing trust account	X	X
g. Closing a trust account, procedure, forms used.	X	
h. Authorization to sign trust account checks	X	X
g. Deposit of trust funds	X	
h. Disbursement of trust funds	X	
i. Bookkeeping system	X	X
j. Violation of trust account rules	X	
2. Escrow agreement procedures.	X	X
a. Escrows requiring separate escrow agreements	X	
b. Pre-closing earnest money escrows	X	
c. Post closing escrows	X	
d. Escrows not requiring separate escrow agreements	X	
e. Drafting escrow agreements	X	
3. Closing procedures	X	
a. Licensees are not required by license	X	

<u>Course Topic and Topic Content (associated form)</u>	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
law to perform closings		
b. Choosing a closing statement	X	
c. Closing preparation procedures	X	
d. Setting a closing date	X	
e. Preparing closing documentation	X	
f. Closing procedures	X	
g. Post closing procedures	X	
4. Policy manual (REEB 17.08)	X	X
<u>D. Business Management</u>		
1. The legal environment	X	
a. Requirements for licensure	X	
b. Liability concerns, risk reduction	X	
c. Policy manual — s. REEB 17.08	X	
2. The business plan	X	
a. Form of ownership	X	
b. Start up	X	
c. Capital budget	X	
d. Operation budget	X	
e. Marketing strategies	X	
3. Professional services	X	
a. Attorneys	X	
b. Accountants	X	
4. Operational policies.	X	
a. Policy and procedures manual	X	
b. Independent contractors agreement	X	
<u>E. Financial and Office Management</u>		
1. Financial management	X	
a. System of income and expense accounting	X	
b. Forms used in all systems	X	
c. Accounting for deposits	X	
d. Accounting for payroll	X	
e. General disbursements	X	
f. Accounts used for handling funds	X	
g. Bank reconciliations	X	
h. Financial reports	X	
2. Budgeting	X	

<u>Course Topic and Topic Content (associated form)</u>	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
a. Definition of a budget	X	
b. Purpose of the budget	X	
c. Comparison of budget income and expenses	X	
d. Preparing the budget	X	
3. Office management — ch. REEB 15	X	
a. Retention of records	X	
<u>F. Personnel</u>		
1. Hiring	X	
a. Agents	X	
b. Personal assistants	X	
c. Employee vs. independent contractor	X	
d. Workers' compensation	X	
e. Commission sharing	X	
2. Contracts	X	
a. Employee	X	
b. Independent contractor	X	
3. Policy manual	X	
a. Purpose	X	
b. Recommended content	X	
c. Maintenance	X	
d. Access	X	
4. Training	X	
5. Licensure and supervision of employees — ch. REEB 17	X	
<u>G. Business Ethics</u>		
1. Dealing with the public	X	
a. Avoid discrimination — s. REEB 24.03 (1)	X	
b. Competence in area of service — s. REEB 24.03 (2)	X	
c. Legal counsel not to be discouraged — s. REEB 24.06	X	
d. Tie-ins — s. REEB 24.075	X	
e. Agreements in writing — s. REEB 24.08	X	
f. Misleading market values — s. REEB 24.09	X	

<u>Course Topic</u> and Topic Content (associated form)	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
g. No net listings — s. REEB 24.10	X	
2. Advertising — s. REEB 24.04	X	
a. False ads	X	
b. Disclosure to the public	X	
c. Obtain permission	X	
d. Advertised price	X	
3. Offers — ss. REEB 24.12, 24.13	X	
a. Confidentiality	X	
b. Draft and submit all offers	X	
c. Submit promptly	X	
d. Present fairly	X	
e. Prompt notification	X	
4. Self-dealing — s. REEB 24.05	X	
a. Disclosure of profits	X	
b. Disclosure of intent	X	
c. Property owned by licensee	X	
d. Referral of service	X	
e. Compensation from more than one party	X	
5. Disclosure — s. REEB 24.07	X	
a. All parties in a transaction	X	
a. Material adverse facts	X	
b. Property inspection	X	
c. Exempt from disclosing —s. 452.23, s. 452.24	X	
6. Dealings with fellow licensees	X	
a. Negotiations through listing broker — s. REEB 24.13 (5)	X	
b. Obtain seller's permission for subagent — s. REEB 24.07 (8) (b) 2	X	
c. Confidentiality of offer — s. REEB 24.12	X	
d. Disclose material facts — s. REEB 24.07 (2)	X	
e. False information — s. REEB 24.07 (3)	X	
f. Disclose buyer agent and seller subagent — s. REEB 24.07 (8)	X	
g. Timely transfer of earnest money	X	
7. Dealings with licensee and salespeople	X	

<u>Course Topic and Topic Content (associated form)</u>	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
a. Licensee supervision — s. REEB 17.08	X	
b. Office supervision – s. REEB 17.08	X	
<u>H. Consumer Protection</u>		
1. Disclosure	X	X
a. Property inspections — s. REEB 24.07 (1) (a)	X	X
b. Investigation of other facts — s. REEB 24.07 (1) (b); s. 452.23, Stats.	X	X
c. Use of third party inspectors — s. REEB 24.07 (2)	X	
d. Property condition -- s. 452.23, Stats.	X	
e. Civil liability for misrepresentation	X	
f. Seller’s disclosure duties — ch. 709, Stats.	X	
g. Buyer’s inspection obligation	X	
2. Fair housing	X	
a. Federal law	X	
b. State of Wisconsin law	X	X
c. Local fair housing law	X	
d. Sanctions for violations	X	
e. Testers and fair housing organizations	X	
f. Conduct prohibited by fair housing law	X	
g. Responding to fair housing questions	X	
h. Instituting equal professional service procedures	X	
3. Antitrust: conspiracy and group boycotts	X	
a. Section 1 of the Sherman Act (note?)	X	
b. “Conspiracy” requirement	X	
c. “Restraint of trade” requirement	X	
d. Compensation and “prices” which have been fixed	X	
e. Situations creating inferences of price fixing	X	
f. How to respond to antitrust situations	X	
g. Elements same as price fixing — conspiracy and restraint of trade	X	
h. Situations creating inference of boycott	X	

<u>Course Topic and Topic Content (associated form)</u>	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
i. Good boycotts: sanctions necessary to enforce reasonable industry self regulation	X	
4. Complaint handling procedures	X	
a. Consumer satisfaction	X	
b. Liability avoidance	X	
c. Feedback on fair housing or other law violations	X	
d. Prevent complaint through education	X	
e. Document the complaint handling program in policy and procedures manual	X	
f. Inform the parties of the complaint handling program	X	
g. Dispute resolution systems	X	
5. Environmental factors	X	
a. Underground storage tanks: registration and closure	X	
b. Asbestos.	X	
c. Radon.	X	
d. Lead-based paint	X	
e. Procedures for “high risk” properties	X	
f. Wetlands and floodplain.	X	
6. Education buyers and sellers	X	
a. Property inspection and disclosure of defects	X	
b. Earnest money procedures	X	
c. Licensees’ responsibilities and expertise	X	
d. Utilizing third party experts	X	
e. Inspection of residential elevators and conveyances – ch. SPS 318	X	
<u>I. Specialty Areas</u>		
1. Property management	X	
a. Management contracts, forms	X	
b. Insurance liability	X	
c. Security deposits	X	
d. Breach of lease	X	
e. Property inspections	X	
f. Tenant and landlord rights and obligations — ch. ATCP 134	X	

<u>Course Topic and Topic Content</u> (associated form)	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
g. Rules regarding negotiating leases	X	
2. Business opportunities.	X	
a. Special expertise and licensing requirements — s. REEB 24.03	X	
b. Approved forms	X	
c. Bulk sales law	X	
3. Selling specialized properties as a brokerage activity	X	
4. Alternative marketing methods	X	
a. Exchanges	X	
b. Installment sales	X	
c. Syndication	X	
d. Cooperatives	X	
5. Mortgage banking.	X	
a. Definition of mortgage banker, loan originator, loan solicitor	X	
b. When separate registration is needed	X	
c. Legality of referral fees, “Real Estate Settlement Procedures Act”	X	
6. Real estate appraisal	X	
a. Definition	X	
b. When separate certification is needed	X	
7. Farms	X	
a. Specialized forms	X	
8. Auctions	X	
a. Auctioneer requires real estate license to call auction of real estate	X	
9. Mobile homes	X	
a. When a real estate license or separate license is required	X	
10. Time-share	X	
a. Familiarity with ch. 707, Stats., when selling time-shares	X	
J. Miscellaneous Wisconsin law		
1. Change of name, address or trade name – ch. REEB 23		X
2. Review, update or more in-depth coverage of contents of salesperson’s		X

<u>Course Topic and Topic Content</u> (associated form)	Broker Pre- License Program	Out-of-State Broker Pre-License Program ^a
education course –s. REEB 25.035		

^a For out-of-state broker applicants, see also s. REEB 25.02.

^b See also, s. REEB 25.03.

^c For out-of-state salesperson applicants see also s. REEB 25.035, Table 25.03.

SECTION 19. REEB 25.025 is repealed.

SECTION 20. REEB 25.03 is repealed and recreated to read:

REEB 25.03 (1) GENERAL REQUIREMENTS. Each applicant for an original real estate salesperson's license shall present evidence of attendance, within 5 years before prior to submitting an application for a license, at the educational program in sub. (3), which has been approved by the board in accordance with s. REEB 25.05 or 25.06.

(2) TEN SEMESTER-HOUR WAIVER. The educational requirement in sub. (1) is shall not required of an applicant who submits proof that the applicant has received 10 semester hour credits in real estate or real estate related law courses at an accredited institution of higher education. For the purposes of this section, a quarter hour credit shall equal 2/3 of a semester hour credit.

(3) SALESPERSON PRE-LICENSE PROGRAM. The educational program for applicants for an original real estate salesperson license shall cover [the course](#) topics in Table 25.03 and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 72 hours.

SECTION 21. REEB 25.03 Table 25.03 created to read:

TABLE BEGINS ON NEXT PAGE

[LRB to make 6 columns with double line in middle as with Table above.]

Table 25.03
Real Estate Salesperson
Pre-License Educational Requirements for Original Applicants

<u>Course Topic and Topic Content</u> (associated form)	Sales- Person Pre-License Program ^b	Out Of State Sales- Person Pre-License Program ^c
<u>A. Real property</u>		
1. Land, real estate and real property	X	
2. Real property versus personal property	X	
3. Classification of fixtures	X	
4. Characteristics of real estate	X	
5. Types of home ownership	X	
6. Mobile homes — s. 70.043, Stats.	X	
7. Ownership expenses	X	
8. Property features	X	
9. Investment considerations	X	
10. Tax benefits for home ownership	X	
11. Homeowner's insurance	X	
<u>B. The real estate business</u>		
1. Real estate specialties	X	
2. The real estate market	X	
3. Factors affecting supply and demand	X	
4. Business cycles	X	
5. Real estate practice — ch. 452, Stats.	X	
<u>C. Real estate brokerage</u>		
1. Law of agency	X	
2. Creation and termination of agency	X	
3. Fiduciary duties	X	
4. Responsibilities to third parties	X	
5. Broker's and salesperson's compensation	X	
6. Antitrust laws	X	
7. Independent contractor versus employee	X	
8. Broker-to-broker relationships	X	
9. Sales associate-to-sales associate relationships	X	
<u>D. Listing agreements</u>		
1. Listing property	X	

<u>Course Topic and Topic Content</u> (associated form)	Sales-Person Pre-License Program ^b	Out Of State Sales-Person Pre-License Program ^c
2. Listing agreements — ch. REEB 16	X	
3. Special listing provisions	X	
4. Termination of listings	X	
5. Obtaining listings	X	
6. Pricing the property	X	
7. Disclosures	X	
8. Home warranties	X	
<u>E. Interests in real estate</u>		
1. Government powers	X	
2. Estates in land	X	
3. Encumbrances	X	
4. Water rights	X	
5. Forms of ownership	X	
6. Trusts	X	
7. Ownership by business organizations	X	
8. Cooperatives	X	
9. Time-shares — ss. 70.095, 707.02, 707.05, 707.40, 707.47, 707.49, Stats.	X	
10. Condominiums — ss. 703.08, 703.21, 703.33, Stats.	X	
11. Homestead — ss. 706.01 (7), 766.605, Stats.	X	
<u>F. Legal descriptions</u>		
1. Methods of describing real estate	X	
2. Land units and measurements	X	
3. Measuring elevations	X	
<u>G. Taxes and other liens</u>		
1. Liens and their effects on title	X	
2. Tax liens	X	
3. General tax assessment, equalization, tax bills	X	
4. Mortgage liens	X	
5. Mechanics liens	X	
6. Judgments	X	
7. Estate and inheritance tax lien	X	
8. Other liens.	X	
9. Taxes — ss. 74.15, 74.47 (1) and (2), Stats.	X	
10. Taxation and transfer fee — ss. 77.22, 77.27, Stats.	X	

Course Topic and Topic Content (associated form)	Sales- Person Pre-License Program ^b	Out Of State Sales- Person Pre-License Program ^c
<u>H. Real estate contracts</u>		
1. Contract law; definition s. 706.01, Stat	X	X
2. Elements of a valid contract	X	X
3. Performance of contract; acceptance	X	X
4. Discharge of contract	X	
5. Default or breach of contract	X	
6. Forms used in real estate — ch. REEB 16	X	X
a. Listing agreements and contracts — s. 240.10, Stats.	X	X
b. Offers to purchase	X	X
c. Buyer agency agreements	X	
d. Counteroffers, multiple counter offers	X	X
e. Amendments; amendment notices	X	X
f. Understanding closing statements	X	
g. Disclosure forms: seller condition report; agency; buyer and seller disclosure	X	
h. Addendums	X	
i. Cancellation and mutual release agreements	X	
j. State bar forms		X
7. Offers — ss. REEB 24.12, 24.13		X
a. Confidentiality		X
b. Draft and submit all offers		X
c. Submit promptly		X
d. Present fairly		X
e. Prompt notification		X
8. Disclosures—s. REEB 24.07; s. 452.135, Stats.		X
a. Disclosure of profits		X
b. Referral services		X
c. Compensation from more than one party (dual)		X
d. Disclosure of licensure		
9. Agreement to arbitrate real estate transaction disputes — s. 788.015, Stats.	X	
10. Buyer agency agreements	X	X
11. The law of conveyances		X
a. Conveyance defined		X

<u>Course Topic and Topic Content</u> (associated form)	Sales-Person Pre-License Program ^b	Out Of State Sales-Person Pre-License Program ^c
b. Requirements for a valid conveyance		X
<u>I. Title records and transfers of title</u>		
1. Requirements of a valid or void conveyance — ss. 240.10, 706.02, 706.03, 706.22, Stats.	X	X
2. Types of deeds	X	
3. Involuntary alienation	X	
4. Probate	X	
5. Transfer of title by will and descent	X	
6. Public records and recording	X	
7. Evidence of title	X	
8. Uniform commercial code	X	
9. Other conveyances	X	
<u>J. Real estate finance and basic math</u>	X	
1. Buyer qualification	X	
2. Mortgage instruments	X	
3. Payment plans	X	
4. Provisions for default: assignment; release; subject to	X	
5. Land contracts	X	
6. Secondary mortgage market	X	
<u>K. Appraisal — market analysis</u>		
1. Basic principles of value.	X	
2. Direct market comparison approach.	X	
3. Cost approach.	X	
4. Income approach.	X	
5. Appraisal process.	X	
<u>L. Fair housing laws.</u>		
1. Equal opportunity in housing	X	
2. Federal and Wisconsin fair housing laws -- s. 66.1011, 106.50, Stats.	X	X
3. Blockbusting, steering, redlining	X	
4. Equal rights — s. 106.50, Stats.	X	
5. Equal opportunity — s. 66.1011, Stats.	X	
6. Organizations	X	
<u>M. Ethical real estate practices.</u>		
1. Chapter REEB 24, conduct and ethic practices	X	
2. Ethical business conduct		X

<u>Course Topic and Topic Content (associated form)</u>	Sales- Person Pre-License Program ^b	Out Of State Sales- Person Pre-License Program ^c
a. Avoid discrimination — s. REEB 24.03 (1)		X
b. Competence in area of service — s. REEB 24.03 (2)		X
d. Tie-ins — s. REEB 24.075		X
e. Agreements in writing — s. REEB 24.08		X
f. Misleading market values — s. REEB 24.09		X
g. No net listings — s. REEB 24.10		X
3. Advertising — s. REEB 24.04		X
<u>N. Leases</u>		
1. Leasehold estates	X	
2. Standard lease provisions	X	
3. Lease documents	X	
4. Legal principles of leases	X	
5. Assignment and subleasing	X	
6. Improvements	X	
7. Maintenance	X	
8. Breach	X	
9. Residential rental practices — ss. ATCP 134.02, 134.06, 134.09, and 134.09	X	
<u>O. Property management</u>		
1. Functions of property manager	X	
2. Management agreement	X	
3. Management considerations	X	
4. Renting and maintaining the property	X	
5. Risk management	X	
<u>P. Land use control and development</u>		
1. Public controls.	X	
2. The master plan	X	
3. Zoning	X	
4. Subdivision regulations	X	
5. Private land–use controls	X	
6. Building codes	X	
7. Land development	X	
8. Subdividing	X	
9. Interstate land sales full disclosure act.	X	
10. Platting and subdivisions — ss. 236.01,	X	

<u>Course Topic and Topic Content</u> (associated form)	Sales-Person Pre-License Program ^b	Out Of State Sales-Person Pre-License Program ^c
236.02, 236.03, 236.31, 236.33, 236.335, 236.35, Stats.		
<u>Q. Environmental concerns</u>		
1. Radon	X	
2. Asbestos	X	
2m. Lead-based paint	X	
3. Toxic waste	X	
4. Underground storage tanks — ch. ATCP 93	X	X
5. Floodplains — s. 87.30, Stats. and ss. NR 116.01, 116.06	X	X
6. Flood insurance	X	X
7. Wetlands — s. 23.32, Stats	X	X
8. Farmland preservation — ss. 91.01, 91.60 to 91.70, Stats	X	X
9. Rental unit energy efficiency standards — ss. SPS 367.03, 367.08	X	X
10. Disclosure documents — s. 452.23, Stats., and ch. 709, Stats. and s. REEB 24.07	X	
11. Other.	X	
<u>R. Miscellaneous Wisconsin license laws</u>		
1. Chapter REEB 15 — documents and records	X	
2. Chapter REEB 16 — contractual forms	X	
3. Chapter REEB 17 — licensure and supervision of employees	X	
4. Chapter REEB 18 — trust accounts, escrow	X	
a. Definition—trust account		X
b. a. Definition—trust fund		X
c. Interest-bearing trust accounts		X
d. Non-interest-bearing trust accounts		X
e. Deposit of trust funds		X
.5 Escrow agreement procedures.	X	
a. Escrows requiring separate escrow agreements		X
b. Pre-closing earnest money escrows		X
c. Post closing escrows		X
d. Escrows not requiring separate escrow agreements		X
e. Drafting escrow agreements		X

<u>Course Topic and Topic Content</u> (associated form)	Sales-Person Pre-License Program ^b	Out Of State Sales-Person Pre-License Program ^c
6. Chapter REEB 23 — change of name, address, trade names	X	X
7. Commercial bulk sales	X	
8. Property provisions for aliens and corporations — ss. 710.01, 710.02, Stats.	X	
9. Property rights of married persons — ss. 766.31, 766.51, 766.60, 766.63, Stats.	X	
10. Mortgage banking — s. 224.71, Stats.	X	
<u>S. Miscellaneous issues</u>		
1. Condominiums — ss. 703.08, 703.21, 703.33, Stats.		X
2. Homestead — ss. 706.01 (7), 766.605, Stats.		X
3. Taxes — ss. 74.15, 74.47 (1) and (2), Stats.		X
4. Taxation and transfer fee — ss. 77.22, 77.27, Stats.		X
5. Residential rental practices — ss. ATCP 134.02, 134.06, 134.09		X
6. Platting and subdivisions — ss. 236.01 to 236.03 and 236.31 to 236.35, Stats.		X
7. Documents and records — ch. REEB 15		X
8. Licensure and supervision of employees — ch. REEB 17		X
10. Property provision for aliens and corporations — ss. 710.01, 710.02, Stats.		X
11. Property rights of married persons — ss. 766.31, 766.51, 766.60, 766.63, Stats.		X
12. Mortgage banking — s. 224.71, Stats.		X
<u>T. Consumer protection</u>		
1. Disclosures		X
a. Property inspections — s. REEB 24.07 (1) (a)	S	X
b. Civil liability for misrepresentation		X
c. Seller's disclosure duties — ch. 709, Stats.		X
d. Buyer's inspection obligation		X
e. Discharge of material adverse facts, s. REEB 24.07 (2) and (3)		X

^a For out-of-state broker applicants, see also s. REEB 25.025

^b See also, s. REEB 25.03.

^c For out-of-state salesperson applicants see also s. REEB 25.03

SECTION 22. ~~REEB 25.035 is repealed.~~

SECTION 23. REEB 25.05 (1) (intro.), (4) and (5) are amended to read:

REEB 25.05 Requirements for approval of pre-license education courses taken for academic credit at an accredited institution of higher education. (1) A school seeking initial approval of pre-license credit courses in real estate shall submit its application on a form provided by the ~~department~~ board no later than 30 days before the course is initially offered. The board may require the following information and materials:

(4) A school shall inform the board of any changes in the information it submitted in an application form within 10 days following the date of the change. Resubmittal may be warranted for changes such as course content, instructor, and means of course delivery.

(5) A school may not discriminate against anyone on the basis of ~~sex~~ gender, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability, or national origin in their educational programs.

SECTION 24. REEB 25.06 (1) (a) (Note), (1) (d) and (2) (a) 4. (Note) are amended to read:

REEB 25.06 (1) (a) Note: ~~An applicant may~~ To obtain a copy of the Application for Approval of Pre-license Noncredit Programs, Form #830, ~~from contact~~ the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 or download the form from the webpage at: www.dsps.gov.

(d) A school may not discriminate against anyone on the basis of ~~sex~~ gender, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability, or national origin in their educational programs.

(2) (a) 4. **Note:** ~~An applicant may~~ To obtain a copy of the Application for Approval of Instructor, Form #831, ~~from contact~~ the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 or download the form from the webpage at: www.dsps.gov.

SECTION 25. REEB 25.065 (1) and (Note) are amended to read:

REEB 25.065 Continuing education requirements for brokers and salespersons. (1) Each licensed broker and salesperson, ~~except an inactive licensee under s. 452.12 (6), Stats.~~, shall satisfy the continuing education requirement specified in s. 452.12 (5) (c), Stats., during each licensing biennium.

Note: The contents of the continuing education programs and courses are not designated in the Wisconsin administrative code, pursuant to an exemption under s. 227.01 (13) (zj), Stats. This information may be obtained from the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935, or download from the department's webpage at: <http://dsps.wi.gov/Licenses-Permits/>.

SECTION 26. REEB 25.065 (2) and (Note) is repealed.

SECTION 27. REEB 25.065 (3) is amended to read:

REEB 25.065 (3) A licensee shall ~~submit~~ maintain evidence of completion of the continuing education requirement and so certify when applying for renewal of license. The department ~~shall withhold issuance of the renewal license until such evidence is submitted and the licensee may not engage in the practice of real estate until having submitted such evidence and having received the license~~ may conduct periodic audits of compliance with continuing education requirements and evidence of completion of the continuing education requirement may be requested at that time.

SECTION 28. REEB 25.065 (6m) and (7) are repealed.

SECTION 29. REEB 25.065 (8) and (9) (a) and (b) are amended to read:

REEB 25.065 (8) A licensee who acts as an instructor of an approved continuing education program or course may receive credit toward satisfaction of the licensee's continuing education requirement, provided the licensee successfully completes the program or course examination, as specified in s. REEB 25.05. The licensee may ~~not~~ only receive credit for teaching a specific course ~~more than one time~~ once.

(9) (a) Health reasons which prevented attendance at continuing education courses or the continuing education examination;

(b) Active duty in the military service with assignment to a duty station outside Wisconsin; ~~or,~~

SECTION 30. REEB 25.065 (9) (d) and (Note) is created to read:

REEB 25.065 (9) (d) A member or spouse of a member of the military service in the uniformed services of the United States of America and on active military duty for a period of at least one year during the applicable biennium, as provided in s. 321.60 (4), Stats.

Note: Section 321.60 (4), Stats, reads: “If a service member's license or the license of a service member's spouse is renewed or extended under sub. (3) no more than 180 days before the next date that the license would normally expire, the licensing agency, or supreme court if it agrees, shall allow the service member or spouse, as appropriate, to renew or extend the license without complying with any continuing education or training requirements if complying with such requirement in the period before the license expires would cause the service member or spouse, as appropriate, undue hardship. If a service member's license or the license of a service member's spouse is renewed or extended under this subsection, the licensing agency or supreme court may require the service member or spouse, as appropriate, to comply with any continuing education or training requirements within a reasonable time after receipt of the license.”

SECTION 31. REEB 25.066 (2) and (Note) is amended to read:

REEB 25.066 (2) Instructors of continuing education programs and courses shall be approved by the board. Instructors may teach an approved course at any approved school. Instructors shall be knowledgeable in the subject ~~which~~ course topics that they are teaching and shall possess at least one of the following minimum qualifications:

Note: An applicant may obtain a copy of the Application for Approval of Instructor, Form #831, from the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 or download from the department's webpage: <http://dsps.wi.gov/>.

SECTION 32. REEB 25.066 (6) (c) is renumbered (6) (b).

SECTION 33. REEB 25.07 (2) (a) and (c) and (4) are amended to read:

REEB 25.07 (2) CERTIFICATION OF ATTENDANCE. (a) Schools shall provide an individual certificate of attendance to all students upon satisfactory completion of board-approved education programs and courses.

(c) Certificates for pre-license noncredit programs and all continuing education programs and courses shall meet all of the following criteria:

(4) Clearly state the number of ~~hours~~ course hour credits the student has successfully completed in an educational program presented as classroom education.

SECTION 34. REEB 25.075 is repealed.

SECTION 35. REEB 25.08 (1) (intro.), (3) (a) (intro.) and (3) (a) 1. to 6. are amended to read:

REEB 25.08 Investigation and review. (1) PERIODIC REVIEW. The board, or its duly authorized representative, shall investigate and review all approved educational programs, courses, and instructors. The method of review shall be determined by the board in each case and ~~will generally~~ may consist of at least the following:

(3) DENIAL OR WITHDRAWAL OF APPROVAL. (a) The board may limit, suspend, or revoke the approval of a school or instructor to conduct any program or course which had been approved pursuant to this chapter, when the school or instructor meets any of the following:

1. Has falsified information on any application or certificate of attendance submitted to the department;
2. Has not complied with the conditions for approval;
3. Has given credit to students for an amount of time present in class when the actual amount was less than the credited amount;
4. Has divulged to students before administration of a continuing education course examination questions which will be used in the examination when administered;
5. Has not followed the course outline approved by the board;
6. Has provided instruction on several occasions when not adequately prepared to teach.

SECTION 36. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

-or-

EFFECTIVE DATE: The rules adopted in this order shall take effect on July 1, 2015 following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Board Chairperson
Real Estate Examining Board

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