



VIRTUAL/TLEECONFERENCE
REAL ESTATE EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Brad Wojciechowski (608) 266-2112
February 2, 2023

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 record of the actions of the Board.

AGENDA

10:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of December 8, 2022 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) 2023 Meeting Dates **(7)**
 - 3) Annual Policy Review **(8-11)**
 - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(12-21)**
 - 5) Board Members – Term Expiration Dates
 - a. Berry, Jeffery K. – 7/1/2026
 - b. Kaleka, Gurmit S. – 7/1/2025
 - c. Lacy, Cathy J – 7/1/2025
 - d. Lauer, Elizabeth A. – 7/1/2022
 - e. Mays, Sonya G. – 7/1/2024
 - f. Pierce, Dennis M. – 7/1/2013
 - g. Richie, Thomas J. – 7/1/2026
- F. Disciplinary Trends in Real Estate – Discussion and Consideration**
 - 1) Appearance from Peter Sveum
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rules Matters – Discussion and Consideration (22)**
 - 1) REEB 12 and 25, Relating to License Renewal and Continuing Education **(23-47)**
 - 2) Pending or Possible Rulemaking Projects **(48)**

- I. Broker Supervision of Real Estate Salespersons – Discussion and Consideration
- J. Newsletter Matters – Discussion and Consideration
- K. Report and Possible Action from the Real Estate Contractual Forms Advisory Council – Discussion and Consideration**
 - 1) WB-36 – Buyer Agency/Tenant Representation Agreement
- L. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters
 - 8) Practice Matters
 - 9) Legislative and Policy Matters
 - 10) Public Health Emergencies
 - 11) Administrative Rule Matters
 - 12) Liaison Reports
 - 13) Board Liaison Training and Appointment of Mentors
 - 14) Informational Items
 - 15) Division of Legal Services and Compliance (DLSC) Matters
 - 16) Presentations of Petitions for Summary Suspension
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Presentation of Stipulations, Final Decisions and Orders
 - 19) Presentation of Proposed Final Decisions and Orders
 - 20) Presentation of Interim Orders
 - 21) Petitions for Re-Hearing
 - 22) Petitions for Assessments
 - 23) Petitions to Vacate Orders
 - 24) Requests for Disciplinary Proceeding Presentations
 - 25) Motions
 - 26) Petitions
 - 27) Appearances from Requests Received or Renewed
 - 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

M. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

- N. Deliberation on Department of Legal Services and Compliance (DLSC) Matters**
 - 1) Proposed Stipulations, Final Decisions and Orders**
 - a. 20 RED 072 – Mary Brennan **(49-55)**
 - b. 21 REB 009 – Tessa Y. Kenney & Alliance Realty Center **(56-63)**
 - c. 21 REB 072 – Andrew R. Uecker **(64-70)**
 - 2) Case Closings**

- a. 20 RED 072 – A.W.P.W., D.S. (71-75)
- b. 21 REB 072 – F.C.R.E.M.C., P.S. (76-91)
- c. 22 RED 106 – M.H., P.R. (92-95)

O. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Q. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

R. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: APRIL 13, 2023

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
 WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**HYBRID (IN-PERSON/VIRTUAL)
REAL ESTATE EXAMINING BOARD
MEETING MINUTES
DECEMBER 8, 2022**

PRESENT: Gurmit Kaleka (*Via Zoom*) (*excused at 11:05 a.m.*), Cathy Lacy, Elizabeth Lauer (*Via Zoom*), Sonya Mays (*Via Zoom*), Dennis Pierce (*Via Zoom*), Thomas Richie

EXCUSED: Jeffery Berry

STAFF: Adam Barr, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Dialah Azam, Bureau Assistant; and Other Department Staff

CALL TO ORDER

Thomas Richie, Chairperson, called the meeting to order at 10:06 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Cathy Lacy moved, seconded by Dennis Pierce, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 20, 2022

MOTION: Dennis Pierce moved, seconded by Elizabeth Lauer, to approve the Minutes of October 20, 2022 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Thomas Richie, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Cathy Lacy -yes; Elizabeth Lauer-yes; Sonya Mays-yes; Dennis Pierce-yes; and Thomas Richie-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:27 a.m.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Dylan J. Brannon, Respondent – DHA Case Number SPS 22-0041/DLSC Case Number 21 REB 080

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to delegate to DSPS Chief Legal Counsel the Board's authority to preside over and resolve the matter of disciplinary proceedings against Dylan J. Brannon, Respondent – DHA Case Number SPS-22-0041/DLSC Case Number 21 REB 080. Motion carried unanimously.

(Dennis Pierce recused himself and left the room for deliberation and voting in the matter concerning Dylan J. Brannon, Respondent – DHA Case Number SPS-22-0041/DLSC Case Number 21 REB 080.)

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations, Final Decisions and Orders

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 21 REB 017 – Jenna L. Funk
2. 22 REB 018 – Real Broker LLC

Motion carried unanimously.

Administrative Warnings

22 REB 018 – K.V.O.

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to issue an Administrative Warning in the matter of K.V.O., DLSC Case Number 22 REB 018. Motion carried unanimously.

Case Closings

21 REB 031 – S.N., D.C., E.R.

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to close DLSC Case Number 21 REB 031, against S.N., D.C., E.R., for Prosecutorial Discretion (P1). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:47 a.m.

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

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:50 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 12/14/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 2/2/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review and potentially make a motion to approve the follow 2023 meeting dates: a. Thursday, February 2, 2023 – Virtual b. Thursday, April 13, 2023 – Virtual c. Thursday, June 15, 2023 – DSPS d. Thursday, August 17, 2023 – Virtual e. Thursday, October 19, 2023 – DSPS f. Thursday, December 7, 2023 - Virtual			
11) Authorization			
<i>Dialah Azam</i>		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/14/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely. 			
11) Authorization			
Katlin Schwartz		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL			BOARD OR COUNCIL MEMBER'S NAME	
EXAMPLE EXAMINING BOARD			MARY SUNSHINE	
Activity Date	Duration of Activity	Purpose Code	Where Performed	Activity
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSPS)	Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 12/14/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 2/2/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. <ol style="list-style-type: none"> a. Credentialing Delegations b. Monitoring Delegations c. Pre-Screening Delegations 			
11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <i>Dialah Azam</i> 12/14/2022 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (Only required for post agenda deadline items) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (Indicates approval for post agenda deadline items) Date </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

ELECTION RESULTS	
Chairperson	Thomas Richie
Vice Chairperson	Elizabeth Lauer
Secretary	Dennis Pierce

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison	Elizabeth Lauer <i>Alternate: Thomas Richie</i>
Education and Examinations Liaison	Cathy Lacy <i>Alternate: Sonya Mays</i>
Monitoring Liaison	Elizabeth Lauer <i>Alternate: Jeffery Berry</i>
Professional Assistance Procedure (PAP) Liaison	Gurmit Kaleka <i>Alternate: Dennis Pierce</i>
Legislative Liaison	Sonya Mays, Thomas Richie
Travel Authorization Liaison	Dennis Pierce <i>Alternate: Elizabeth Lauer</i>
Newsletter Liaison	Sonya Mays, Thomas Richie
Website Liaison(s)	Cathy Lacy <i>Alternate: Gurmit Kaleka</i>
COMMITTEE MEMBER APPOINTMENTS	
Real Estate Contractual Forms Advisory Committee Chairperson	Sonya Mays
Council on Real Estate Curriculum and Examination Representative	Elizabeth Lauer
SCREENING PANEL	
Screening Panel Team 1	Dennis Pierce, Thomas Richie, Jeffery Berry
Screening Panel Team 2	Sonya Mays, Elizabeth Lauer

Delegation of Authorities***Document Signature Delegations***

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Cathy Lacy moved, seconded by Dennis Pierce, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations**Delegation of Authorities for Monitoring**

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the

February 3, 2022 agenda materials on pages 20-21. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of real estate. Motion carried unanimously.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to delegate authority to Department staff to approve applications where criminal background

checks have been approved for a previous real estate credential and there is no new conviction record. Motion carried unanimously.

MOTION: Cathy Lacy moved, seconded by Elizabeth Lauer, to delegate authority to Department staff to approve Real Estate Business Entity Applications in which the identified licensed Broker Business Representatives have previously been approved for a full Real Estate Broker credential or renewal after criminal background check and there has been no criminal activity since the previous license/renewal approval. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Thomas Richie moved, seconded by Elizabeth Lauer, to delegate to the screening attorney the authority to close cases that do not clearly present a provable violation and cases that do not merit review by the full panel to the screening attorney. Cases that the screening attorney has the authority to close include cases where there is a lack of jurisdiction, where the Board has already taken action on the matter (duplicate case, Board has taken action in regard to the credential holder that addressed the conduct and further action is unnecessary), cases where there is no legal violation of the statutes/regulations, or cases where there is not enough evidence to prove a violation and additional investigation will not yield a different result. The screening attorney is also delegated the authority to immediately open any case where they believe there is an immediate risk of harm, the materials on their face warrant discipline (such as failure to respond), or cases that have a provable violation. Motion carried unanimously.

Voluntary Surrenders

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Thomas Richie moved, seconded by Sonya Mays, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Cathy Lacy moved, seconded by Thomas Richie, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Thomas Richie moved, seconded by Cathy Lacy, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Thomas Richie moved, seconded by Dennis Pierce, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Newsletter Liaison(s) Delegation

MOTION: Sonya Mays moved, seconded by Elizabeth Lauer, to delegate authority to the newsletter liaison(s) to handle all matters relating to newsletters or digests. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Elizabeth Lauer moved, seconded by Cathy Lacy, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
- ~~5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section ordered continuing/disciplinary/remedial education.~~
- ~~6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.~~
- ~~7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section ordered evaluation or exam.~~
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

Updated 12/13/2021

2022 Roles & Authorities

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: 1/23/2023 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Real Estate Examining Board			
4) Meeting Date: 02/02/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters - Discussion and Consideration 1. REEB 12 and 25, relating to License Renewal and Education 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? (If yes, please complete Appearance Request for Non-DSPS Staff) <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Pending or Possible Rulemaking Projects <ul style="list-style-type: none"> - Scope Project, REEB 12 and 25, relating to License Renewal and Education - Rule Project Chart (attachment) 			
11) Authorization			
<i>Dana Denny</i>		01/23/2023	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

REAL ESTATE EXAMINING BOARD

Rule No.: REEB 12 and 25

Relating to: License Renewal and Continuing Education

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to update and clarify provisions relating to original, renewal and expired real estate broker and salesperson licenses. Additionally, the rule seeks to update and clarify provisions relating to continuing education and requirements for real estate brokers and real estate salespersons.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code Chapter REEB 12 details information regarding real estate broker and salesperson license application and renewal requirements. Wisconsin Administrative Code Chapter REEB 25 specifies education requirements for real estate brokers and salespeople, including necessary continuing education requirements. The Board has identified the need to review both Chapters and propose changes that will serve to clarify and correct current real estate license and continuing education requirement provisions.

The alternative to making these updates is that license and continuing education requirements will continue to be inconsistently interpreted by those currently within and interested in entering the profession.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), requires all examining boards to "...promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 227.11 (2) (a), Stats., authorizes all agencies to promulgate rules interpreting the statutes it enforces or administers, when deemed necessary to effectuate the purpose of such statutes.

Section 452.07 (1), Stats., obligates the Real Estate Examining Board to "...promulgate rules for the guidance of the real estate profession and define professional conduct and unethical practice."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 80 hours.

6. List with description of all entities that may be affected by the proposed rule:

Real Estate Agents and Brokers credentialed in Wisconsin and those looking into entering the profession.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

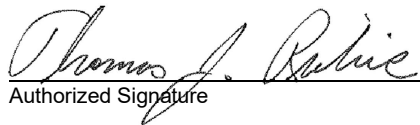
None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. This rule is not likely to have a significant economic impact on small businesses.


Contact Person: Dana Denny, 608-287-3748, DSPSAdminRules@wisconsin.gov.

Approved for publication:


Authorized Signature

8/31/2022
Date Submitted

Approved for implementation:


Authorized Signature

9/27/2022
Date Submitted



To: Members, Wisconsin Real Estate Examining Board
From: Jennifer Lindsley, Director of Training
Date: January 23, 2023
RE: REEB 12 Applications and REEB 25 Education on the February 2, 2023, Agenda

The Wisconsin REALTORS® Association (WRA), would like to provide the following background information to the Real Estate Examining Board regarding agenda item REEB 12 Applications and REEB 25 Education. The following is a series of items offered for consideration during the Board's discussion.

REEB 12 Applications

REEB 12.01 Applications

REEB 12.01 (3) Note: Update the office address for the department to 4822 Madison Yards Way Madison, WI 53705.

REEB 12.01(5) Applications

Change "his or her" to "the applicant's."

REEB 12.017(3)(a) Broker application requirements

Modify the language to match the statute.

Current language: Each applicant for a real estate broker's license shall submit evidence satisfactory to the board that the applicant has 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 application, excluding any time the applicant spent in an apprenticeship. Except as provided in pars. (b) to (d), the evidence shall demonstrate that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:

Proposed language (from Wis. Stat. § 452.09 (4)(a)): An applicant for a broker's license who is an individual shall submit to the board evidence satisfactory to the board that the applicant has 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 for a broker's license.

Except as provided under pars. (b) to (e), the board may not accept evidence as satisfactory under subd. 1. unless the evidence demonstrates that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:*

*The (e) in the statute would have to be changed to (d) in the administrative code.

REEB 12.017(3)(d) Broker application requirements

Modify language to match the statute.

Current language: A nonresident applicant may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant's application.

Proposed language (from Wis. Stat. § 452.09(4)(d)): Except as provided in a reciprocal agreement under s. 452.05 (3), an applicant for a broker's license who is a nonresident may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant's application for a broker's license.

REEB 12.025(2) & (3) Examinations

Change "grade" to "score" because REEB 12.025(1m) is titled "Passing Score" and "score" rather than "grade" is used throughout this section.

REEB 12.04(1)(a) Renewal and reinstatement

Change "his or hers" to "the licensee"s. Add language to clarify the process for renewal for a person who formerly held a Wisconsin license that has been expired less than 5 years and who currently holds an active license in another state. Right now, the rules provide that individual two different options for obtaining a Wisconsin license. Under REEB 12.04(1)(a), the individual can follow the standard renewal process by completing the continuing education for the previous biennium.

Alternatively, the person can apply for a Wisconsin license as a person licensed in another state by following the process provided for endorsement or reciprocal candidates.

Current language: If a licensee renews his or her real estate license less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., the licensee shall pay the applicable renewal fee and late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., during the biennium preceding the date of renewal of the license.

Proposed language: If a licensee, regardless of whether the licensee is also licensed in another state, renews the licensee's license less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., the licensee shall pay the applicable renewal fee and late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., during the biennium preceding the date of renewal of the license.

REEB 12.04(2m)(b)3. Renewal and reinstatement

Change "and" to "or."

Current language: A licensee completing education under subds. 1. a. and c. meets the continuing education requirement." Sub. 1.a. refers to the initial salesperson education. Sub. 1.c. refers to the education for a person licensed in another state and further states "This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license."

Proposed language: A licensee completing education under subds. 1. a. or c. meets the continuing education requirement.

REEB 12.04(2m)(c)4. Renewal and Reinstatement

Change “and” to “or.”

Currently language: A licensee completing education under subds. 1. a. and c. meets the continuing education requirement.

Sub. 1.a. refers to the initial salesperson education. Sub. 1.c. refers to the education for a person licensed in another state and further states “This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.”

Proposed language: A licensee completing education under subds. 1. a. or c. meets the continuing education requirement.

REEB 25 Education

REEB 25.023 Real estate broker’s pre-license business management program

The topic of “commercial real estate commission lien under s. 779.32, Stats.” appears at both REEB 25.023(1)(k) and REEB 25.023(7)(h). Delete second reference.

REEB 25.023(2)(c)2. – 10. Real estate broker’s pre-license business management program

“Listing contract for sale” should be “Listing contracts for sale”

“Offer” should be “offers to purchase”

“Counteroffer” should be “Counter-offers”

“Amendment” should be “Amendments”

“Buyer agency agreement” should be “Buyer agency agreements”

“Listing contract for lease” should be “Listing contracts for lease”

“Option” should be “Options”

“Bill of sale” should be “Bills of sale”

“Exchange” should be “Exchanges”

“Cancellation agreement and mutual release” should be “Cancellation agreements and mutual releases”

*in other instances where the forms are listed for required content, they are written as plural rather than singular. In the alternative, the other times forms are listed, they could be changed to singular.

REEB 25.023(6)(d) Real estate broker’s pre-license business management program

Update reference for “Licensure and supervision of employees” to include s. 452.132, Stats. as much of the language regarding this was moved to 452.132.

Change title of this topic from “Licensure and supervision of employees” to “Licensure and supervision of licensees associated with firm” to reflect removal of “employer” and “employee” from both Chapter 452 and REEB 17.

REEB 25.023(7)(d) Real estate broker’s pre-license business management program

Update reference for “Disclosure of compensation and interests” to include s. 452.133, Stats. as many of the disclosure obligations formerly found in REEB 24 were moved to 452.133.

REEB 25.023(7)(f)1. Real estate broker’s pre-license business management program

Change “listing broker” to “listing firm.”

REEB 25.023(7)(g)1. & 2. Real estate broker’s pre-license business management program

Both Notes can be deleted. Both references should be changed to s. 452.132, Stats.

REEB 25.028 Nonresident broker education equivalency

Change “his or her” to “the applicant’s”

REEB 25.028(1)(g) Nonresident broker education equivalency

Update reference for “licensees associated with a firm” to include s. 452.132, Stats. as many sections of REEB 17 were moved to 452.132.

REEB 25.028(2)(a)3. e.-g., j.L. Nonresident broker education equivalency

“Counter offers” should be “Counter-offers”

“Multiple counter proposals” should be “Multiple counter-proposals”

“Amendment” should be “Amendments”

“Option” should be “Options”

“Bill of sale” should be “Bills of sale”

“Exchange” should be “Exchanges”

“Cancellation agreement and mutual release” should be “Cancellation agreements and mutual releases”

REEB 25.028(2)(d)2. Nonresident broker education equivalency

Update reference for “Advertising” to include s. 452.136, Stats. as much of the advertising rules formerly found in REEB 24 were moved to 452.136.

REEB 25.028(2)(d)4. Nonresident broker education equivalency

Update reference for “Disclosure of compensation and interest” to include s. 452.133, Stats. because some of the disclosure obligations language formerly found in REEB 24 were moved to 452.133.

REEB 25.028(2)(e)2. Nonresident broker education equivalency

Change “broker” to “licensee” to match the language used in REEB 24.07.

REEB 25.028(2)(i)7. Nonresident broker education equivalency

Update reference for “Licensure and supervision of employees” to include s. 452.132, Stats. as much of the language regarding this was moved to 452.132.

Change title of this topic from “Licensure and supervision of employees” to “Licensure and supervision of licensees associated with firm” to reflect removal of “employer” and “employee” from both Chapter 452 and REEB 17.

REEB 25.033(3)(h) Salesperson pre-license program

Change “Broker-to-broker relationships” to “Firm-to-firm relationships”

REEB 25.033(3)(i) Salesperson pre-license program

Change “Sales associate-to-sales associate relationships” to “licensee-to-licensee relationships”

REEB 25.033(8)(f)5. -6., 11.- 14. Salesperson pre-license program

“Counteroffers” should be “counter-offers”

“Multiple counter proposals” should be “Multiple counter-proposals”

“Cancellation agreement and mutual release agreements” should be “Cancellation agreements and mutual releases”

“Option” should be “Options”

“Bill of sale” should be “Bills of sale”

“Exchange” should be “Exchanges”

REEB 25.033(13)(b)2. Salesperson pre-license program

“Advertising” reference should include s. 452.136, Stats. because some of the REEB 24 advertising rules were moved to 452.136.

REEB 25.033(13)(b)4. Salesperson pre-license program

“Disclosure of compensation and interest” reference should include s. 452.133, Stats. because some of the disclosure requirements under REEB 24 were moved to 452.133.

REEB 25.033(17)(b) Salesperson pre-license program

Change “The master plan” to “Comprehensive plan”

REEB 25.038 Nonresident salesperson education equivalency

Change “his or her” to “the applicant’s”

REEB 25.038(1)(C)5.-7., 9. - 12. Nonresident salesperson education equivalency

“Counter offers” should be “Counter-offers”

“Multiple counter proposals” should be “Multiple counter-proposals”

“Amendment” should be “Amendments”

“Option” should be “Options”

“Bill of Sale” should be “Bills of sale”

“Exchange” should be “Exchanges”

“Cancellation agreements and mutual release” should be “Cancellation agreements and mutual releases”

REEB 25.038(4)(b) Nonresident salesperson education equivalency

“Advertising” reference should include s. 452.136, Stats. as some of the advertising rules were moved from REEB 24 to 452.136.

REEB 25.038(4)(d) Nonresident salesperson education equivalency

“Disclosure of compensation and interest” reference should include s. 452.133, Stats. as some of the disclosure requirements were moved from REEB 24 to 452.133.

REEB 25.055(1)(c) Approval for pre-license education programs or course

Update list of protected classes to reflect language in Wisconsin’s Open Housing statute.

Current language: A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. [111.32 \(13m\)](#), Stats., handicap, religion, age, physical disability or national origin in its education program or courses.

Proposed language: A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

REEB 25.068(1)(a) Approval for continuing education programs or courses

Clarify language to state that continuing education must include at least 5 multiple choice questions per hour of instruction.

Current language: A school or organization shall conduct an examination at the end of each continuing education program or course consisting of at least 15 multiple-choice questions for each program or course.

Proposed language: A school or organization shall conduct an examination at the end of each continuing education program or course consisting of at least 5 multiple-choice questions for each hour of the continuing education program.

REEB 25.068(1)(c) Approval for continuing education programs or courses

Update list of protected classes to reflect language in Wisconsin's Open Housing statute.

Current language: A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. [111.32 \(13m\)](#), Stats., handicap, religion, age, physical disability or national origin in its education program or courses.

Proposed language: A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry.

REEB 25.068(2)(k) Approval for continuing education programs or courses

Clarify language to state that continuing education must include at least 5 multiple choice questions per hour of instruction.

Current language: A minimum of 15 multiple-choice questions for each program or course, the answer to each question, the portion of the course outline to which the question relates and the passing score for the examination.

Proposed language: A minimum of 5 multiple-choice questions for each hour of the continuing education program, the answer to each question, the portion of the course outline to which the question relates and the passing score for the examination.

Chapter REEB 12

APPLICATIONS

REEB 12.005 Authority.

REEB 12.01 Applications.

REEB 12.011 Criminal conviction predetermination.

REEB 12.012 Application procedure for service members, former service members, and their spouses.

REEB 12.013 Salesperson application requirements.

REEB 12.017 Broker application requirements.

REEB 12.025 Examinations.

REEB 12.04 Renewal and reinstatement.

Note: Chapter REB 2 as it existed on April 30, 1972 was repealed and a new chapter REB 2 was created, *Register*, April, 1972, No. 196, effective May 1, 1972. Renumbered to be chapter RL 12, effective March 1, 1983. Chapter RL 12 was renumbered chapter REEB 12 under s. 13.92 (4) (b) 1., Stats., *Register* November 2011 No. 671.

Register September 2015 No. 717.

REEB 12.005 Authority. The rules in this chapter are adopted pursuant to ss. 227.11 (2), 440.05, 440.06, 440.07, 440.08, 452.07, 452.09, 452.10, 452.11 and 452.12, Stats.

History: Cr. *Register*, July, 1998, No. 511, eff. 8-1-98.

REEB 12.01 Applications. (1) FORMS. Applications for licenses and accompanying documents required by the provisions of ch. 452, Stats., and the rules of the board shall be made on forms provided by the department.

(2) 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 when all materials necessary to make a determination on the application and all materials requested by the board have been received.

(3) VERIFICATION. (a) Individuals. All applications for a license as an individual shall be affirmed or verified by the applicant.

(b) Business entities. Applications for a license made by a business entity must be verified by a business representative of the business entity.

Note: Applications are available upon request to the department offices located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 4822 Madison Yards Way, Madison, WI 53705; phone (608) 266-1212 or available for download on the department webpage: <http://dps.wi.gov/Licenses-Permits/Credentialing/Business-Professions/>.

(4) FEES PREPAID. No action shall be taken on any application until the prescribed fees are paid and deposited at the office of the department.

(5) PREVIOUSLY LICENSED BROKERS AND SALESPERSONS. No action shall be taken on any new application of an applicant who has previously been licensed by the board until the applicant furnishes sufficient proof to the board that the applicant has not acted as a salesperson or broker since the expiration of ~~his or her the applicant's~~ license. The board may in its discretion waive this requirement.

(6) NEW APPLICATIONS; NON-RESIDENT BROKERS AND SALESPERSONS. No application for a real estate broker's or salesperson's license from any person not a resident of the state of Wisconsin may be processed prior to receipt by the department of an irrevocable consent to be sued as specified in s. 452.11, Stats.

(7) NEW APPLICATIONS; MINORS. No action shall be taken on any new application for a broker's or salesperson's license received from any applicant unless said applicant is a person of the age of 18 years or over.

History: Cr. *Register*, April, 1972, No. 196, eff. 5-1-72; am. (2) (b), *Register*, July, 1972, No. 199, eff. 8-1-72; renum. from REB 2.01, r. (1) (b), renum. (1) (c) and (d) to be (1) (b) and (c), *Register*, February, 1981, No. 302, eff. 3-1-81; renum. from REB 2.02 and am. (1) (a), (c) 2., (e) and (f) and (2), *Register*, February, 1983, No. 326, eff. 3-1-83; am. (1) (a), (c) and (2) (a), r. and recr. (1) (b), *Register*, July, 1998, No. 511, eff. 8-1-98; correction in (1) (a), (b), (f) made under s. 13.92 (4) (b) 6., Stats., *Register* November 2011 No. 671; CR 15-010: renum. (1) (a), (b), (c), (e), (f) to (1) to (5), renum. (2) (a), (b) to (1) (6) to (7), *Register* September 2015 No. 717, eff. 10-1-15; correction in (1) (title), (6) (title), (7) (title) under s. 13.92 (4) (b) 2., Stats.,

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

REEB 12.011 Criminal conviction predetermination. (1) An individual who does not possess a broker's or salesperson's license may apply to the board, without submitting a full application for a determination of whether the individual would be disqualified from obtaining a license or certificate based upon a criminal conviction by submitting all of the following:

- (a) An application for predetermination. (am) A fee in the amount of \$68.00.
- (b) Police report.
- (c) Criminal complaint.
- (d) Judgment of conviction and sentencing.
- (e) Verification of compliance or completion with the terms of the sentencing.
- (f) Personal statement describing the facts that led to each offense and any rehabilitation completed.

(1m) The fee under sub. (1) (am) may be applied to the application fee under s. REEB 12.01 (4) if the individual applies for a real estate broker or salesperson license within 1 year of the determination decision.

(2) An individual who has been convicted of a felony shall meet the requirements of s. 452.25 (1) (b), Stats., prior to submitting a request for predetermination.

(3) The board shall review the information related to the conviction and consider all of the following factors in making a determination:

- (a) The severity and nature of the conviction.
- (b) The amount of time that has elapsed.
- (c) The number or pattern of convictions or other similar incidents that gave rise to the conviction.
- (d) The circumstances surrounding the conviction that may have a bearing on whether the individual might repeat the behavior that was the subject of the conviction.
- (e) The relationship of the conviction to real estate practice.
- (f) The individual's activities since the conviction, including employment, education, participation in treatment, payment of restitution, and any other factor that may be evidence of rehabilitation.

(4) The individual shall receive notification of the board's determination whether the criminal convictions would disqualify the individual from obtaining a license or certificate due to the individual's criminal record.

(5) The determination is binding upon the board and the department if the individual subsequently applies for license or certificate, unless there is information relevant to the determination that was not available to the board at the time of the determination.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; EmR1620: emerg. am. (1), cr. (1) (am), eff. 7-1-16; CR 16-042: am. (1), cr. (1) (am), eff. 3-1-17.

REEB 12.012 Application procedure for service members, former service members, and their spouses.

(1) In this section:

(a) “Former service member” has the meaning in s. 440.09 (1) (a), Stats.

(b) “Service member” has the meaning in s. 440.09 (1) (b), Stats.

(c) “Spouse” has the meaning in s. 440.09 (1) (c), Stats.

(2) Each applicant for reciprocal licensure as a real estate salesperson or real estate broker shall submit all of the following, notwithstanding the materials required under ss. REEB 12.013 and 12.017:

(a) A completed application form with the signature of the applicant.

(b) A fee as determined by the department under s. 440.05 (2), Stats.

(c) A statement that the applicant resides in this state.

(d) Documentation that the applicant is a service member, a former service member, or the spouse of a service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the individual is a service member, a former service member, or the spouse of a service member or former service member.

(e) Evidence of holding a license, in good standing, that was granted by a governmental authority in a jurisdiction outside of Wisconsin that qualifies the individual to perform acts authorized under a real estate salesperson or real estate broker license granted by the board.

Note: Application forms are available from the Department of Safety and Professional Services’ website at <http://dps.wi.gov>.

(3) A license granted under this subsection expires on the applicable renewal date specified in s. 440.08 (2) (a), Stats., except that if the first renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted is within 180 days of the date on which the license is granted, the license expires on the 2nd renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted.

History: CR 21-055; cr. Register March 2022 No. 795, eff. 4-1-22; correction in (2) (d), (3) made under s. 35.17, Stats., Register March 2022 No. 795.

REEB 12.013 Salesperson application requirements. (1) EDUCATION REQUIREMENTS. Except as provided in sub. (3) and s. REEB 12.012, each applicant for a real estate salesperson’s license shall submit satisfactory evidence of any of the following:

(a) Completion, within 4 years of licensure, of real estate salesperson’s education under s. REEB 25.033 through an education program that has been approved by the board or nonresident salesperson education equivalency under s. REEB 25.038.

(b) Completion of 10 semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(2) EXAMINATION REQUIREMENTS. Except as provided in sub. (3) and s. REEB 12.012, each applicant shall read and write a comprehensive examination in English, testing the applicant’s competency to transact the business of a real estate salesperson. The examination shall be in conformity with s. 452.09 (3), Stats.

(3) RECIPROCITY. An applicant who is licensed as a salesperson in a state or territory that has entered into a reciprocal agreement with this state shall be licensed according to the terms of the reciprocal agreement.

History: CR 15-010; cr. Register September 2015 No. 717, eff. 10-1-15; CR 21-055; am. (1) (intro.), (2) Register March 2022 No. 795, eff. 4-1-22.

REEB 12.017 Broker application requirements.

(1) EDUCATION REQUIREMENTS. Except as provided in sub. (4) and s. REEB 12.012, each applicant for a real estate broker’s license shall submit satisfactory evidence of any of the following:

(a) Completion, within 4 years of broker’s licensure, of a real estate broker’s education program in business management under s. REEB 25.023 through an education program that has been approved by the board and evidence of any of the following:

1. Licensure as a real estate salesperson.

2. Completion of a real estate salesperson’s education program under s. REEB 25.033 or completion of 10 semester hour credits in real estate or real estate related law courses from an accredited institution of higher education.

(b) Completion of nonresident broker equivalency under s. REEB 25.028.

(c) Completion of 20 semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(d) The applicant is licensed to practice law in this state.

(2) EXAMINATION REQUIREMENTS. Except as provided in sub. (4) and s. REEB 12.012, each applicant for a real estate broker’s license shall read and write a comprehensive examination in English, testing the applicant’s competency to transact the business of a real estate broker. The examination shall be in conformity with s. 452.09 (3), Stats.

(3) EXPERIENCE REQUIREMENTS. Except as provided in sub. (4) and s. REEB 12.012:

(a) ~~Each applicant for a real estate broker’s license. An applicant for a broker’s license who is an individual shall submit to the board evidence satisfactory to the board that the applicant has 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 for a broker license application, excluding any time the applicant spent in an apprenticeship. Except as provided in pars. (b) to (d), the board may not accept evidence as satisfactory unless the evidence the evidence shall demonstrate that the applicant’s experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:~~

1. Each completed or closed residential transaction is worth 5 points.

2. Each completed or closed commercial transaction is worth 10 points.

3. Each property management contract is worth 0.5 points per month.

4. Each completed or closed time share is worth one point.

(b) An applicant who is licensed to practice law in this state may satisfy the requirement under par. (a) by submitting to the board any of the following:

1. Evidence satisfactory to the board that the applicant has experience related to real estate.

2. Evidence that the applicant has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for a total of at least 20 points based upon the point system in par. (a) 1 to 4.

(c) An applicant who holds a current certificate of financial responsibility under s. 101.654, Stats., may satisfy the requirement under par. (a) by submitting to the board any of the following:

1. Evidence satisfactory to the board that the applicant has experience related to real estate sales.

2. Evidence that the applicant has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for a total of at least 20 points based upon the point system in par. (a) 1 to 4.

(d) ~~A nonresident applicant may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant’s application. Except as provided in a reciprocal agreement under s. 452.05 (3), an applicant for a broker’s license who is a nonresident may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant’s application~~

for a broker's license.

(4) RECIPROcity. An applicant who is licensed as a broker in a state or territory that has entered into a reciprocal agreement with this state shall be licensed

according to the terms of the reciprocal agreement.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; correction in (3) (intro.) made under s. 35.17, Stats., Register September 2015 No. 717; CR 21-055: am. (1) (intro.), (2), (3) (intro.) Register March 2022 No. 795, eff. 4-1-22.

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REEB 12.025 Examinations. (1m) PASSING SCORE.

The board shall determine the level of examination performance required for minimum acceptable competence after consultation with subject matter experts who have received a representative sample of the examination questions and available candidate performance statistics. The board shall set the passing score at the point that represents minimum acceptable competence in the profession.

(2) **REVIEW.** All applicants who obtain a failing grade score shall receive a report detailing the results of the applicant's examination in the major content areas of the examination.

(3) **CHEATING ON EXAMINATION.** An applicant may not give or receive unauthorized assistance during an examination, violate the rules of conduct of the examination, or otherwise act dishonestly. The action taken by the board for a violation of this section shall be related to the seriousness of the offense. An action may include withholding the score of the applicant, entering a failing grade score for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination at which the conduct occurred.

Note: This section interprets or implements s. 452.09 (3), Stats.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79; renum. from REB 2.035, Register, February, 1981, No. 302, eff. 3-1-81; renum. from REB 2.025, Register, February, 1983, No. 326, eff. 3-1-83; r. (3), Register, July, 1998, No. 511, eff. 8-1-98; CR 15-010: am. (title), r. (1), cr. (1m), am. (2), renum. (3) from REEB 12.026 Register September 2015 No. 717, eff. 10-1-15.

REEB 12.04 Renewal and reinstatement.

(1) **RENEWAL LESS THAN 5 YEARS AFTER LICENSE EXPIRATION.** (a) If a licensee, regardless of whether the licensee is also licensed in another state, renews his or her the licensee's real estate license less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., the licensee shall pay the applicable renewal fee and late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., during the biennium preceding the date of renewal of the license.

(c) The licensee shall before the next renewal date satisfy the continuing education required of all licensees during the biennium in which the licensee renews the license.

(2m) **RENEWAL OF LICENSE MORE THAN 5 YEARS AFTER LICENSE EXPIRATION.** (a) *General.* A licensee with an expired license may not reapply for the license using the initial application process.

(b) *Salesperson license.* A licensee who renews a salesperson license more than 5 years after the license expiration shall submit evidence of all of the following:

1. 'Education.' Completion of any of the following:

a. Real estate salesperson education under s. REEB 25.033 within 5 years of renewal of license.

b. Ten semester hour credits in real estate or real estate law courses from an accredited institution of higher education.

c. Real estate salesperson education under s. REEB 25.038. This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.

2. 'Examination.' Passage of the examination required under s. REEB 12.013 (2).

3. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. ~~and~~ or c. meets the continuing education requirement.

(c) *Broker license.* A licensee who renews a broker license more than 5 years after the license expiration shall submit evidence of all of the following:

1. 'Education.' Completion of any of the following:

a. Real estate business management education under s. REEB 25.023 and real estate salesperson's education under s. REEB 25.033 within 5 years of renewal of license. The real estate salesperson education is not required if the license is currently licensed in this state as a real estate salesperson.

b. Completion of 20 semester hours credits in real estate or real estate law at an accredited institution of higher education.

c. Education under s. REEB 25.028. This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.

d. A licensee who is also licensed to practice law in this state meets the education requirement.

2. 'Examination.' Passing the broker and salesperson examinations required under ss. REEB 12.013 (2) and 12.017 (2).

3. 'Experience.' Practicing 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 renewal or has experience related to real estate by any of the following:

a. Accumulation of a total of at least 40 points based on the point system under s. REEB 12.017 (3) (a).

b. Meeting the requirement under s. REEB 12.017 (3) (b).

c. Meeting the requirement under s. REEB 12.017 (3) (c).

d. A licensee who held an active broker license in another jurisdiction within 2 years of renewal of a Wisconsin license meets the experience requirement.

4. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. ~~or~~ and c. meets the continuing education requirement.

(d) *Continuing Education Requirement.* All licensees renewing under pars. (b) and (c) shall before the next renewal date satisfy the continuing education required during the biennium in which the license is renewed.

(3) **LICENSE REINSTATEMENT.** (a) A licensee who has a license with unmet disciplinary requirements that has not been renewed within 5 years of the renewal date or whose license has been surrendered or revoked may submit an application for reinstatement with all the following:

1. Evidence of completion of requirements in sub. (2m) (b) or (c) if the licensee has not held an active Wisconsin license within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances warranting reinstatement of license.

(b) A licensee may not reapply for a license through the initial application process if the licensee has unmet disciplinary requirements and failed to renew the license within 5 years of the renewal date or whose credential has been surrendered or revoked. A licensee may not practice real estate prior to being granted reinstatement of the license.

History: Emerg. cr. 6-16-87; cr. Register, December, 1987, No. 384, eff. 1-1-88; r. and recr. Register, March, 1990, No. 411, eff. 4-1-90; r. and recr., Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (intro.), cr. (2) (a) 4., Register, July, 1998, No. 511, eff. 8-1-98; am. (1) (a), r. (1) (b), Register, August, 1999, No. 524, eff. 9-1-99; correction in (1) (a), (2) (a) 1., 2., (b) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 13-100: am. (1), (2) Register September 2014 No. 705, eff. 10-1-14; CR 15-010: am. (title), cons. and renum. (1) (intro) and (a) to (1) (a) and am., am. (1) (c), r. (2), cr. (2m), (3) Register September 2015 No. 717, eff. 10-1-15.

Chapter REEB 25

EDUCATION

REEB 25.005 Authority.

REEB 25.01 Definitions.

REEB 25.023 Real estate broker's pre-license business management program.

REEB 25.028 Nonresident broker education equivalency.

REEB 25.033 Salesperson's pre-license program.

REEB 25.038 Nonresident salesperson education equivalency.

REEB 25.055 Approval for pre-licensure education programs or courses.

REEB 25.065 Continuing education requirements for brokers and salespersons.

REEB 25.068 Approval for continuing education programs or courses.

REEB 25.09 Denial or withdrawal of approval.

Note: Chapter REB 16 as it existed on October 31, 1979, was repealed and a new Chapter REB 16 was created effective November 1, 1979. Renumbered chapter RL 25, effective March 1, 1983. Chapter RL 25 was renumbered chapter REEB 25 under s. 13.92 (4) (b) 1., Stats., [Register November 2011 No. 671](#).

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

History: Cr. [Register, October 1979, No. 286](#), eff. 11-1-79; renum. from REB 16.005 and am. [Register, February, 1983, No. 326](#), eff. 3-1-83; am. [Register, January, 1992, No. 433](#), eff. 2-1-92.

REEB 25.01 Definitions. As used in this chapter, unless the context otherwise specifically requires:

(1) "Accredited institution of higher education" means a law school accredited by the American bar association or other schools accredited by one of the regional institutional accrediting commissions or associations which have been recognized by the U.S. department of education.

(2) "Board" means the real estate examining board.

(3) "Continuing education course" means an approved segment of a continuing education program required by the board pursuant to s. [452.05 \(1\) \(d\)](#), Stats.

(4) "Continuing education program" means the total number of continuing education hours or subjects required by the board pursuant to s. [452.05 \(1\) \(d\)](#), Stats.

(6) "Evidence of completion" means an official transcript, student grade report, or board-approved certificate showing satisfactory completion of education programs or courses.

(7) "Hour" means a period of 50 minutes of actual instruction and shall not include time spent in writing tests or examinations given by the school.

History: Cr. [Register, October, 1979, No. 286](#), eff. 11-1-79; renum. from REB 16.01 and am. (1) and (6), [Register, February, 1983, No. 326](#), eff. 3-1-83; renum. (1) to (5) to be (2), (7), (5), (8), (1) and am. (8), cr. (3) and (4), am. (6), [Register, January, 1992, No. 433](#), eff. 2-1-92; am. (1), [Register, July, 1998, No. 511](#), eff. 8-1-98; cr. (2m), (5m), am. (3), (4) and (7), [Register, August, 1999, No. 524](#), eff. 9-1-99; correction in (2) to (4), (6) made under s. [13.92 \(4\) \(b\) 6.](#), Stats., [Register November 2011 No. 671](#); CR 15-010: r. (2m), (5), (5m), am. (6), r. (8) [Register September 2015 No. 717](#), eff. 10-1-15.

REEB 25.023 Real estate broker's pre-license business management program. An education program in business management for applicants for a real estate broker's license shall consist of 72 hours. The education program in business management shall contain all of the following topics:

(1) **CONTRACTS.** Instruction relating to real estate contracts shall include all of the following:

(a) The definition of a contract, including the difference between a contract and an agreement.

(b) Elements of a contract, including all of the following:

1. Offer.
2. Acceptance.
3. Consideration.
4. Competent parties.

(c) Parties to a contract, including all of the following:

1. Parties to an agency agreement.

2. Parties to a sales contract, option, or lease.

3. Multiple parties.

(d) Creating binding contracts, including all of the following:

1. Signatures.
2. Acceptance and binding acceptance.
3. Delivery.
4. Deadlines.
5. Time is of the essence.

(e) Validity of contracts.

(f) Drafting contracts and contingencies, including all of the following:

1. Properly drafting.
2. Pre-printed.
3. Customized.

(g) Ending the contractual relationship, including all of the following:

1. Rescission.
2. Termination.
3. Modification.
4. Death of a party.
5. Default and breach.

(h) Acceptance and counteroffers, including the difference between acceptance and counteroffers.

(i) The law of conveyances, including all of the following:

1. Conveyance defined.
2. Requirements for a valid conveyance.

(j) Agreement to arbitrate real estate transaction disputes under s. [788.015](#), Stats.

(k) Commercial real estate commission lien under s. [779.32](#), Stats.

(2) **APPROVED FORMS.** Instruction relating to real estate approved forms shall include all of the following:

(a) The forms approval process, including all of the following:

1. Forms committee.
2. Real estate examining board.
3. Department of safety and professional services.

(b) The authorized practice of law, including all of the following:

1. *Reynolds v. Dinger*, [14 Wis. 2d 193](#).
2. Chapter [REEB 16](#).

(c) Review of forms, including all of the following:

1. Listing contracts for sale.
2. Offers to purchase.
3. Counter-offers.
4. Amendments.
5. Buyer agency agreements.
6. Listing contracts for lease.
7. Options.
8. Bills of sale.

9. Exchanges.
10. Cancellation agreements and mutual releases.
11. State bar forms under s. REEB 16.03 (1).
12. Uniform commercial code forms.
13. Forms used in other states.
- (d) Developing a form and contingency manual
- (e) Supervising salesperson's use of approved forms.
- (3) TRUST ACCOUNTS, ESCROW, CLOSING STATEMENT.** Instruction relating to real estate trust accounts, escrow and closing statement shall include all of the following:
 - (a) Trust accounts under ch. REEB 18, including all of the following:
 1. Trust account definition.
 2. Trust funds definition.
 3. When is a trust account required.
 4. Registering a trust account.
 5. Procedure to open a trust account.
 6. Authorization to sign trust account checks.
 7. Depositing of trust funds.
 8. Disbursement of trust funds.
 9. Bookkeeping system.
 10. Closing a trust account.
 - (b) Escrow agreement procedures, including all of the following:
 1. Escrows requiring separate escrow agreements.
 2. Pre-closing earnest money escrows.
 3. Post closing escrows.
 4. Escrows not requiring separate escrow agreements.
 5. Drafting escrow agreements.
 - (c) Closing procedures, including all of the following:
 1. Licensees are not required by license law to perform closings.
 2. Choosing a closing statement.
 3. Closing preparation procedures.
 4. Setting a closing date.
 5. Preparing closing documentation.
 6. Closing procedures.
 7. Post closing procedures.
- (4) BROKER MANAGEMENT AND MARKETING.** Instruction relating to real estate broker management and marketing shall include all of the following:
 - (a) The legal environment, including all of the following:
 1. Requirements for licensure.
 2. Liability concerns and risk reduction.
 - (b) The business plan, including all of the following:
 1. Form of ownership.
 2. Start up.
 3. Capital budget.
 4. Operation budget.
 5. Marketing strategies.
 - (c) Professional services, including all of the following:
 1. Attorneys.
 2. Accountants.
 - (d) Operational policies, including all of the following:
 1. Policy and procedures manual.
 2. Independent contractors agreement.
- (5) FINANCIAL AND OFFICE MANAGEMENT.** Instruction relating to financial and office management shall include all of the following:
 - (a) Financial management, including all of the following:
 1. System of income and expense accounting.
 2. Accounts used for handling funds.
 3. Bank reconciliations.
 4. Financial reports.
 - (b) Budgeting, including all of the following:
 1. Definition of a budget.
 2. Purpose of the budget.
 3. Comparison of budget income and expenses.
 4. Preparing the budget.
 - (c) Office management under ch. REEB 15 including retention of records.
 - (6) PERSONNEL.** Instruction relating to personnel shall include all of the following:
 - (a) Hiring, including all of the following:
 1. Agents.
 2. Personal assistants.
 3. The difference between employee and independent contractor.
 4. Equal opportunity.
 5. Workers' compensation.
 - (b) Policy manual, including all of the following:
 1. Purpose.
 2. Recommended content.
 3. Maintenance.
 4. Access.
 - (c) Training.
 - (d) Licensure and supervision of licensees associated with a firm employees under s. 452.132 and ch. REEB 17.
 - (7) BUSINESS ETHICS.** Instruction relating to real estate business ethics shall include all of the following:
 - (a) Dealing with the public, including all of the following:
 1. Avoiding discrimination as required under s. REEB 24.03 (1).
 2. Competence in the area of service under s. REEB 24.03 (2).
 3. Legal counsel are not to be discouraged under s. REEB 24.06.
 4. Tie-in arrangements under s. REEB 24.075.
 5. Agreements in writing under s. REEB 24.08.
 6. Misleading market values under s. REEB 24.09.
 7. No net listings under s. REEB 24.10.
 - (b) Advertising, including all of the following:
 1. False advertisements.
 2. Disclosure to the public.
 3. Obtain permission.
 4. Advertised price.
 - (c) Offers under ss. REEB 24.12 and 24.13, including all of the following:
 1. Confidentiality.
 2. Drafting and submitting all offers.
 3. Submitting promptly.
 4. Presenting fairly.
 5. Prompt notification.
 - (d) Disclosure of compensation and interest under s. 452.133, Stats. and s. REEB 24.05, including all of the following:
 1. Disclosure of profits.
 2. Disclosure of intent.
 3. Property owned by licensee.
 4. Referral of service.
 5. Compensation from more than one party.
 - (e) Disclosure under s. REEB 24.07, including all of the following:
 1. Material facts.

2. Material adverse facts.
 3. Property inspection.
 4. Agency.
 5. “As-is” sales.
 6. Optional disclosure
- (f) Dealings with fellow licensees, including all of the following:

1. Negotiations through a listing ~~firm~~broker under s. REEB 24.13 (5).
2. Obtaining a seller’s permission for subagent under s. REEB 24.07 (8) (b) 2.
3. Confidentiality of offer under s. REEB 24.12.
4. Disclosing material adverse facts under s. REEB 24.07 (2).
5. False information under s. REEB 24.07 (3).
6. Disclosing buyer agent and seller subagent under s. REEB 24.07 (8).

(g) Dealings with licensee and salespeople, including all of the following:

1. Licensee supervision under s. ~~REEB 17.08452.132.~~
Stats.

~~Note: Section REEB 17.08 was repealed by CR 16-042. Corrections will be made in future rulemaking.~~

2. Office supervision under s. ~~452.132, Stats.~~ REEB 17.08.

~~Note: Section REEB 17.08 was repealed by CR 16-042. Corrections will be made in future rulemaking.~~

~~(h) Commercial real estate broker’s commission under s. 779.32, Stats.~~

~~(h)~~ Agency relationships, including all of the following:

1. Multiple representation with designated agency.
2. Multiple representation without designated agency.
3. Single agency.

(8) CONSUMER PROTECTION. Instruction relating to real estate consumer protection shall include all of the following:

- (a) Disclosure, including all of the following:
 1. Property inspections under s. REEB 24.07 (1) (a).
 2. Investigation of other facts under s. REEB 24.07 (1) (b).
 3. Use of third party inspectors under s. REEB 24.07 (5).
 4. Property condition under s. 452.23, Stats.
 5. Civil liability for misrepresentation.
 6. Seller’s disclosure duties under ch. 709, Stats.
 7. Buyer’s inspection obligation.

(b) Fair housing, including all of the following:

1. Federal law.
2. State of Wisconsin law.
3. Local fair housing law.
4. Sanctions for violations.
5. Testers and fair housing organizations.
6. Conduct prohibited by fair housing law.
7. Responding to fair housing questions.
8. Instituting equal professional service procedures.

(c) Antitrust: conspiracy and group boycotts, including all of the following:

1. Section 1 of the Sherman Act.
2. “Conspiracy” requirement.
3. “Restraint of trade” requirement.
4. Compensation and “prices” that have been fixed.
5. Situations creating inferences of price fixing.
6. How to respond to antitrust situations.
7. Elements same as price fixing, including conspiracy and restraint of trade.
8. Situations creating inference of boycott.

(d) Complaint handling procedures, including all of the following:

1. Consumer satisfaction.

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2. Liability avoidance.
3. Feedback on fair housing or other law violations.
4. Preventing complaint through education.
5. Documenting the compliant handling program in policy and procedures manual.

6. Informing the parties of the complaint handling program.
7. Dispute resolution systems.

(e) Environmental factors, including all of the following:

1. Underground storage tanks, including registration and closure.
2. Asbestos.
3. Radon.
4. Lead-based paint.
5. Procedures for high risk properties.
6. Wetlands and floodplain.

(f) Education buyers and sellers, including all of the following:

1. Property inspection and disclosing of defects.
2. Earnest money procedures.
3. Licensees’ responsibilities and expertise.
4. Utilizing third party experts.

(9) SPECIALTY AREAS. Instruction relating to real estate specialty areas shall include all of the following:

(a) Property management, including all of the following:

1. Management contracts.
2. Insurance liability.
3. Security deposits.
4. Breach of lease.
5. Property inspections.
6. Tenant and landlord rights and obligations under ch. ATCP 134.

7. Rules regarding negotiating leases.

(b) Business opportunities, including all of the following:

1. Special expertise and licensing requirements under s. REEB 24.03.
2. Approved forms.

(c) Selling specialized properties as a brokerage activity.

(d) Alternative marketing methods, including all of the following:

1. Exchanges.
2. Installment sales.
3. Cooperatives.

(e) Mortgage banking, including all of the following:

1. Definitions of mortgage banker, loan originator and loan solicitor.
2. When separate registration is needed.
3. Real Estate Settlement Procedures Act.

(f) Real estate appraisal.

(g) Farms.

(h) Auctions.

(i) Mobile homes.

(j) Time-Share, including familiarity with ch. 707, Stats., when selling time-shares.

(10) NOTIFYING THE DEPARTMENT. Instruction relating to notifying the department shall include all of the following:

(a) Change of name, address or trade name under ch. REEB 23

(b) Criminal conviction under s. 440.03 (13) (am), Stats.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; CR 17-100: r. (4) (a) 3. Register July 2018 No. 751, eff. 8-1-18.

REEB 25.028 Nonresident broker education equivalency. An applicant who has held an active real estate broker’s license in another licensing jurisdiction within the 2

year period prior to filing an application for a real estate broker's license in this state is deemed to have met the equivalency to the business management and salesperson program education based upon ~~the applicant's his or her~~ education required to obtain a license in the other licensing jurisdiction and the completion of Wisconsin specific education consisting of all of the following:

(1) Business management education consisting of 6 hours, including all of the following:

(a) Broker-only contracts and contract issues, including all of the following:

1. Reynolds v. Dinger, 14 Wis. 2d 193.
2. State bar forms under s. REEB 16.03 (1).
3. Uniform commercial code forms under s. REEB 16.03 (1).
4. Forms used in other states.
5. Developing forms and contingency manual.
6. Supervising salesperson's use of approved forms.
7. Commercial real estate broker's commission under s. 779.32, Stats.

(b) Agency relationships, including all of the following:

1. Multiple representation with designated agency.
2. Multiple representation without designated agency.
3. Single agency.

(c) Disclosure, including all of the following:

1. Property inspections.
2. "As-is" sales.
3. Optional disclosure.

(d) Trust accounts under ch. REEB 18, including all of the following:

1. When is a trust account required.
2. Registering a trust account.
3. Procedure to open a trust account.
4. Authorization to sign trust account checks.
5. Deposit of trust funds.
6. Disbursement of trust funds.
7. Bookkeeping system.
8. Closing a trust account.

(e) Notifying the department, including all of the following:

1. Change of name, address or trade name under ch. REEB 23.
2. Criminal conviction under s. 440.03 (13) (am), Stats.
- (f) Wisconsin fair housing law under s. REEB 24.03 (1), and ss. 66.1011 and 106.50, Stats.

(g) Licensees associated with a firm under s.452.132, Stats. and ch. REEB 17.

(2) Salesperson education consisting of 13 hours, including all of the following:

(a) Contracts, including all of the following:

1. Law of conveyances, including all of the following:
 - a. Conveyance defined under s. 706.01, Stats.
 - b. Requirements for a valid conveyance under ss. 706.02, and 706.03, Stats.
2. Chapter REEB 16.
3. Review of forms approved by the board, including all of the following:

- a. Listing contracts.
- b. Offers to purchase.
- c. Addenda.
- d. Buyer agency agreements.
- e. Counter-offers.
- f. Multiple counter-proposals.
- g. Amendments.
- h. Notices.

i. Options.

- j. Bills of sale.
 - k. Exchanges.
 - L. Cancellation agreements and mutual releases.
 - (b) Agency, including all of the following:
 1. Duties owed to parties and clients under s. 452.133, Stats.
 2. The requirement for an agency agreement and disclosure of agency under s. 452.135, Stats.
 3. Revisions to common law duties and responsibilities under s. 452.139, Stats.
 - (c) Agency relationship, including all of the following:
 1. Multiple representation with designated agency.
 2. Multiple representation without designated agency.
 3. Single agency.
 - (d) Business conduct, including all of the following.
 1. Direct contact with the public, including all of the following:
 - a. Competence in area of service under s. REEB 24.03.
 - b. Tie-in arrangements under s. REEB 24.075.
 - c. Agreements in writing under s. REEB 24.08.
 - d. Misleading market values under s. REEB 24.09.
 - e. Net listings under s. REEB 24.10.
 2. Advertising under s. 452.136, Stats. and REEB 24.04.
 3. Completing and presenting written proposals under ss. REEB 24.12 and 24.13., including all of the following:
 - a. Confidentiality.
 - b. Drafting and submitting offers.
 - c. Prompt delivery to buyer.
 - d. Fair presentation of offers.
 - e. Prompt notification.
 4. Disclosure of compensation and interest under s. 452.133, Stats. and REEB 24.05, including all of the following:
 - a. Disclosure of interest.
 - b. Referral services.
 - c. Disclosure of profits.
 - d. Disclosure of licensure.
 - (e) Consumer protection, including all of the following:
 1. Property inspections under s. REEB 24.07 (1) (a).
 2. Inquiry by listing ~~licensee/broker~~ under s. REEB 24.07 (1) (b).
 3. Disclosure of material adverse facts under s. REEB 24.07 (2).
 4. Disclosure of material suggesting adverse material facts under s. REEB 24.07 (3).
 5. Disclosure of side agreements under s. REEB 24.07 (4).
 6. Reliance upon third parties under s. REEB 24.07 (5).
 7. Investigations and inspections under s. 452.23, Stats.
 8. Civil liability for misrepresentation.
 9. Seller's disclosure duties under ch. 709, Stats.
 - (f) Wisconsin fair housing law under s. REEB 24.03 (1), and ss. 66.1011 and 106.50, Stats.
 - (g) Environmental factors, including all of the following:
 1. Underground storage tanks under ch. ATCP 93.
 2. Floodplains under s. 87.30, Stats., and ss. NR 116.01 and 116.06.
 3. Wetlands under s. 23.32, Stats.
 4. Farmland preservation under ss. 91.60 to 91.70, Stats.
 - (h) Trust accounts and escrows, including all of the following:
 1. Trust accounts under s. 452.13, Stats., and ch. REEB 18, including all of the following:
 - a. Definition of trust account.
 - b. Interest-bearing and non-interest bearing accounts.
- c. Definition of trust funds.

- d. When a trust account is required.
- e. Depositing of trust funds.
- 2. Escrow agreement procedures, including all of the following:
 - a. Escrows requiring separate escrow agreements.
 - b. Pre-closing earnest money escrows.
 - c. Post-closing escrows.
 - d. Escrows not requiring separate escrow agreement.
 - e. Drafting escrow agreements.
- (i) Miscellaneous issues, including all of the following:
 - 1. Condominiums under ss. 703.08, 703.21 and 703.33, Stats.
 - 2. Homestead under ss. 706.01 (7) and 766.605, Stats.
 - 3. Taxes under ss. 74.15, and 74.47 (1) and (2), Stats.
 - 4. Taxation and transfer fees under ss. 77.22 and 77.27, Stats.
 - 5. Residential rental practices under ss. ATCP 134.02, 134.06, and 134.09.
 - 6. Documents and records under ch. REEB 15.
 - 7. Licensure and supervision of employees licensees associated with firm under s. 452.132, Stats. and ch. REEB 17.
 - 8. Property rights of married persons under ss. 766.31, 766.51, 766.60, and 766.63, Stats.
 - 9. Mortgage banking under s. 224.71, Stats.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; CR 17-100: renum. (1) (g) (intro.) to (1) (g) and am., r. (1) (g) 1. to 3. Register July 2018 No. 751, eff. 8-1-18; CR 19-128: r. (2) (g) 5. Register January 2021 No. 781, eff. 2-1-21.

REEB 25.033 Salesperson's pre-license program.

An education program for applicants for a real estate salesperson's license shall consist of 72 hours. The education program shall contain all of the following topics:

- (1) REAL PROPERTY. Instruction relating to real property shall include all of the following:
 - (a) Land, real estate and real property.
 - (b) The difference between real property and personal property.
 - (c) Classification of fixtures.
 - (d) Characteristics of real estate.
 - (e) Types of home ownership.
 - (f) Mobile homes under s. 70.043, Stats.
 - (g) Ownership expenses.
 - (h) Property features.
 - (i) Investment considerations.
 - (j) Tax benefits for home ownership.
 - (k) Homeowner's insurance.
- (2) THE REAL ESTATE BUSINESS. Instruction relating to the real estate business shall include all of the following:
 - (a) Real estate specialties.
 - (b) The real estate market.
 - (c) Factors affecting supply and demand.
 - (d) Business cycles.
 - (e) Real estate practice under ch. 452, Stats.
- (3) REAL ESTATE BROKERAGE. Instruction relating to real estate brokerage shall include all of the following:
 - (a) Law of agency.
 - (b) Creating and terminating of agency.
 - (c) Fiduciary duties.
 - (d) Responsibilities to third parties.
 - (e) Broker's and salesperson's compensation.
 - (f) Antitrust laws.
 - (g) The difference between independent contractor and employee.

- (h) Firm Broker to broker firm relationships.
- (i) Sales associate Licensee to licensee sales associate relationships.
- (j) Agency, including all of the following:
 - 1. Duties owed to parties and clients under s. 452.133, Stats.
 - 2. The requirement for an agency agreement and disclosure of agency under s. 452.135, Stats.
 - 3. Revisions to common law duties and responsibilities under s. 452.139, Stats.
- (k) Agency relationship, including all of the following:
 - 1. Multiple representation with designated agency.
 - 2. Multiple representation without designated agency.
 - 3. Single agency.
- (4) LISTING AGREEMENTS. Instruction relating to real estate listing agreements shall include all of the following:
 - (a) Listing property.
 - (b) Listing agreements under ch. REEB 16.
 - (c) Special listing provisions.
 - (d) Terminating listings.
 - (e) Obtaining listings.
 - (f) Pricing the property.
 - (g) Disclosures.
 - (h) Home warranties.
- (5) INTERESTS IN REAL ESTATE. Instruction relating to interests in real estate shall include all of the following:
 - (a) Government powers.
 - (b) Estates in land.
 - (c) Encumbrances.
 - (d) Water rights.
 - (e) Forms of ownership.
 - (f) Trusts.
 - (g) Ownership by business organizations.
 - (h) Cooperatives.
 - (i) Time-shares under ss. 70.095, 707.02, 707.05, 707.40, 707.47, and 707.49, Stats.
 - (j) Condominiums under ss. 703.08, 703.21 and 703.33, Stats.
 - (k) Homestead under ss. 706.01 (7) and 766.605, Stats.
- (6) LEGAL DESCRIPTIONS. Instruction relating to real estate legal descriptions shall include all of the following:
 - (a) Methods of describing real estate.
 - (b) Land units and measurements.
- (7) TAXES AND OTHER LIENS. Instruction relating to taxes and other liens shall include all of the following:
 - (a) Liens.
 - (b) Tax liens.
 - (c) General tax assessment, equalization, and tax bills.
 - (d) Mortgage liens.
 - (e) Construction liens.
 - (f) Judgments.
 - (g) Estate and inheritance tax liens.
 - (h) Other liens.
 - (i) Taxes under ss. 74.15 and 74.47 (1) and (2), Stats.
 - (j) Taxation and transfer fees under ss. 77.22 and 77.27, Stats.
- (8) REAL ESTATE CONTRACTS. Instruction relating to real estate contracts shall include all of the following:
 - (a) Contract law.
 - (b) Elements of a valid contract.
 - (c) Performance of contract.
 - (d) Discharging of contract.
 - (e) Default or breach of contract.
 - (f) Forms used in real estate under ch. REEB 16, including

all of the following:

1. Listing agreements under s. 240.10, Stats.
 2. Offers to purchase.
 3. Addenda.
 4. Buyer agency agreements.
 5. Counter-offers.
 6. Multiple counter-proposals.
 7. Amendments.
 8. Notices.
 9. Understanding closing statements.
 10. Disclosure forms, including all of the following:
 - a. Seller condition report.
 - b. Agency.
 - c. Buyer and seller disclosure.
 11. Cancellation agreements and mutual releases ~~agreements~~.
 12. Options.
 13. Bill of sales.
 14. Exchanges.
- (g) Agreement to arbitrate real estate transaction disputes under s. 788.015, Stats.

(9) TITLE RECORDS AND TRANSFERS OF TITLE. Instruction relating to real estate title records and transfers of title shall include all of the following:

- (a) Requirements of a valid conveyance under ss. 240.10, 706.02 and 706.03, Stats.
- (b) Types of deeds.
- (c) Involuntary alienation.
- (d) Probate.
- (e) Transferring of a title by will.
- (f) Public records and recording.
- (g) Evidence of title.
- (h) Conveyance defined under s. 706.01, Stats.

(10) REAL ESTATE FINANCE AND BASIC MATH. Instruction relating to real estate finance and basic math shall include all of the following:

- (a) Buyer qualification.
- (b) Mortgage instruments.
- (c) Payment plans.
- (d) Provisions for default; assignment; release and subject to.
- (e) Land contracts.
- (f) Secondary mortgage market.

(11) APPRAISAL AND MARKET ANALYSIS. Instruction relating to real estate appraisal and market analysis shall include all of the following:

- (a) Basic principles of value.
- (b) Direct market comparison approach.
- (c) Cost approach.
- (d) Income approach.
- (e) Appraisal process.

(12) FAIR HOUSING LAWS. Instruction relating to real estate fair housing laws shall include all of the following:

- (a) Equal opportunity in housing.
- (b) Federal fair housing law.
- (c) Blockbusting, steering and redlining.
- (d) Equal rights under s. 106.50, Stats.
- (e) Organizations.

(13) ETHICAL REAL ESTATE PRACTICES. Instruction relating to ethical real estate practices shall include all of the following:

- (a) Chapter REEB 24.
- (b) Ethical business conduct, including all of the following:
 1. Direct contact with the public, including all of the following:
 - a. Competence in area of service under s. REEB 24.03.

- b. Tie-in arrangements under s. REEB 24.075.
- c. Agreements in writing under s. REEB 24.08.
- d. Misleading market values under s. REEB 24.09.
- e. Net listings under s. REEB 24.10.
2. Advertising under s. 452.136, Stats. and REEB 24.04.
3. Completing and presenting written proposals under ss. REEB 24.12 and 24.13., including all of the following:
 - a. Confidentiality.
 - b. Drafting and submitting offers.
 - c. Prompt delivery to buyer.
 - d. Fair presentation of offers.
 - e. Prompt notification.
4. Disclosure of compensation and interest under s. 452.133, Stats. and s. REEB 24.05, including all of the following:
 - a. Disclosing of interest.
 - b. Referral services.
 - c. Disclosing of profits.
 - d. Disclosing of licensure.

(14) CONSUMER PROTECTION. Instruction relating to consumer protection shall include all of the following:

- (a) Property inspections under s. REEB 24.07 (1) (a).
- (b) Inquiry by listing firm under s. REEB 24.07 (1) (b).
- (c) Disclosure of material adverse facts under s. REEB 24.07 (2).
- (d) Disclosure of material suggesting adverse material facts under s. REEB 24.07 (3).
- (e) Disclosure of side agreements under s. REEB 24.07 (4).
- (f) Reliance upon third parties under s. REEB 24.07 (5).
- (g) Investigations and inspections under s. 452.23, Stats.
- (h) Civil liability for misrepresentation.
- (i) Seller's disclosure duties under ch. 709, Stats.

(15) LEASES. Instruction relating to real estate leases shall include all of the following:

- (a) Leasehold estates.
- (b) Standard lease provisions.
- (c) Lease documents.
- (d) Legal principles of leases.
- (e) Improvements.
- (f) Maintenance.
- (g) Breach.
- (h) Residential rental practices under ss. ATCP 134.02, 134.06, and 134.09.

(16) PROPERTY MANAGEMENT. Instruction relating to property management shall include all of the following:

- (a) Functions of property manager.
- (b) Management agreement.
- (c) Management considerations.
- (d) Renting and maintaining the property.
- (e) Risk management.

(17) LAND USE CONTROL AND DEVELOPMENT. Instruction relating to land use control and development shall include all of the following:

- (a) Public controls.
- (b) ~~The master plan~~ Comprehensive plan.
- (c) Zoning.
- (d) Subdivision regulations.
- (e) Private land-use controls.
- (f) Building codes.
- (g) Land development.
- (h) Subdividing.

(18) ENVIRONMENTAL CONCERNS. Instruction relating to real environmental concerns shall include all of the following:

- (a) Radon.
- (b) Asbestos.
- (c) Lead-based paint.
- (d) Toxic waste.
- (e) Underground storage tanks under ch. [ATCP 93](#).
- (f) Floodplains under s. [87.30](#), Stats., and ss. [NR 116.01](#) and [116.06](#).
- (g) Flood insurance.
- (h) Wetlands under s. [23.32](#), Stats.
- (i) Farmland preservation under ss. [91.01](#), and [91.60](#) to [91.70](#), Stats.
- (k) Disclosure documents under s. [452.23](#) and ch. [709](#), Stats., and s. [REEB 24.07](#).

(19) MISCELLANEOUS WISCONSIN LICENSE LAWS. Instruction relating to miscellaneous Wisconsin license laws shall include all of the following:

- (a) Chapter [REEB 15](#).
- (b) Chapter [REEB 16](#).
- (c) Chapter [REEB 17](#).
- (d) Chapter [REEB 18](#), including all of the following:
 1. Definition of trust account.
 2. Interest-bearing and non-interest bearing accounts.
 3. Definition of trust funds.
 4. When a trust account is required.
 5. Deposit of trust funds.
- (e) Chapter [REEB 23](#).
- (f) Property rights of married persons under ss. [766.31](#), [766.51](#), [766.60](#) and [766.63](#), Stats.
- (g) Mortgage banking under s. [224.71](#), Stats.
- (h) Escrow agreement procedures, including all of the following:
 1. Escrows requiring separate escrow agreements.
 2. Pre-closing earnest money escrows.
 3. Post-closing escrows.
 4. Escrows not requiring separate escrow agreement.
 5. Drafting escrow agreements.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; CR 17-100: am. (14) (b) Register July 2018 No. 751, eff. 8-1-18; CR 19-128: r. (18) (j) Register January 2021 No. 781, eff. 2-1-21.

REEB 25.038 Nonresident salesperson education equivalency. An applicant who has held an active real estate salesperson's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate salesperson's license in this state is deemed to have met the equivalency to the salesperson program education based upon the applicant's his or her education required to obtain a license in the other licensing jurisdiction and completion of Wisconsin specific education consisting of 13 hours and containing the following content:

- (1) Contracts**, including all of the following:
 - (a) Law of conveyances, including all of the following:
 1. Conveyance defined under s. [706.01](#), Stats.
 2. Requirements for a valid conveyance under ss. [706.02](#) and [706.03](#), Stats.
 - (b) Chapter [REEB 16](#).
 - (c) Review of forms approved by the board, including all of the following:
 1. Listing contracts.
 2. Offers to purchase.
 3. Addenda.
 4. Buyer agency agreements.
 5. Counter-offers.
 6. Multiple counter-proposals.
 7. Amendments.

- 8. Notices.
- 9. Options.
- 10. Bills of sale.
- 11. Exchanges.
- 12. Cancellation agreements and mutual releases.
- (2) Agency**, including all of the following:
 - (a) Duties owed to parties and clients under s. [452.133](#), Stats.
 - (b) Requirement for an agency agreement and disclosure of agency under s. [452.135](#), Stats.
 - (c) Revisions to common law duties and responsibilities under s. [452.139](#), Stats.
- (3) Agency relationship**, including all of the following:
 - (a) Multiple representation with designated agency.
 - (b) Multiple representation without designated agency.
 - (c) Single agency.
- (4) Business conduct**, including all of the following:
 - (a) Direct contact with the public, including all of the following:
 1. Competence in area of service under s. [REEB 24.03](#).
 2. Tie-ins under s. [REEB 24.075](#).
 3. Agreements in writing under s. [REEB 24.08](#).
 4. Misleading market values under s. [REEB 24.09](#).
 5. Net listings under s. [REEB 24.10](#).
 - (b) Advertising under s. [452.136](#), Stats. and [REEB 24.04](#).
 - (c) Completing and presenting written proposals under ss. [REEB 24.12](#) and [24.13](#)., including all of the following:
 1. Confidentiality.
 2. Drafting and submitting offers.
 3. Prompt delivery to buyer.
 4. Fair presentation of offers.
 5. Prompt notification.
 - (d) Disclosure of compensation and interest under s. [452.133](#) Stat.s. [REEB 24.05](#), including all of the following:
 1. Disclosure of interest.
 2. Referral services.
 3. Disclosure of profits.
 4. Disclosure of licensure.
- (5) Consumer Protection**, including all of the following:
 - (a) Property inspections under s. [REEB 24.07 \(1\) \(a\)](#).
 - (b) Inquiry by listing firm under s. [REEB 24.07 \(1\) \(b\)](#).
 - (c) Disclosure of material adverse facts under s. [REEB 24.07 \(2\)](#).
 - (d) Disclosure of material suggesting adverse material facts under s. [REEB 24.07 \(3\)](#).
 - (e) Disclosure of side agreements under s. [REEB 24.07 \(4\)](#).
 - (f) Reliance upon third parties under s. [REEB 24.07 \(5\)](#).
 - (g) Investigations and inspections under s. [452.23](#), Stats.
 - (h) Civil liability for misrepresentation.
 - (i) Seller's disclosure duties under ch. [709](#), Stats.
- (6) Wisconsin fair housing law** under s. [REEB 24.03 \(1\)](#), and ss. [66.1011](#) and [106.50](#), Stats.
- (7) Environmental factors**, including all of the following:
 - (a) Underground storage tanks under ch. [ATCP 93](#).
 - (b) Floodplains under s. [87.30](#), Stats., and ss. [NR 116.01](#) and [116.06](#).
 - (c) Wetlands under s. [23.32](#), Stats.
 - (d) Farmland preservation under ss. [91.01](#) and [91.60](#) to [91.70](#), Stats.
- (8) Trust accounts and escrows**, including all of the following:
 - (a) Trust accounts under s. [452.13](#), Stats., and ch. [REEB 18](#), including all of the following:

1. Definition of trust account.
2. Interest-bearing and non-interest bearing accounts.
3. Definition of trust funds.
4. When a trust account is required.
5. Deposit of trust funds.
- (b) Escrow agreement procedures, including all of the following:
 1. Escrows requiring separate escrow agreements.
 2. Pre-closing earnest money escrows.
 3. Post-closing escrows.
 4. Escrows not requiring separate escrow agreement.
 5. Drafting escrow agreements.
- (9)** Miscellaneous issues, including all of the following:
 - (a) Condominiums under ss. 703.08, 703.21, and 703.33, Stats.
 - (b) Homestead under ss. 706.01 (7) and 766.605, Stats.
 - (c) Taxes under ss. 74.15, and 74.47 (1) and (2), Stats.
 - (d) Taxation and transfer fees under ss. 77.22 and 77.27, Stats.
 - (e) Residential rental practices under ss. ATCP 134.02, 134.06 and 134.09.
 - (f) Documents and records under ch. REEB 15.
 - (g) Licensure and supervision of employees under ch. REEB 17.
 - (h) Property rights of married persons under ss. 766.31, 766.51, 766.60, and 766.63, Stats.
 - (i) Mortgage banking under s. 224.71, Stats.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; (1) (a) 1. and 2. renum. from (1) (a) a. and b. under s. 13.92 (4) (b) 1., Stats., Register September 2015 No. 717; CR 17-100: am. (5) (b) Register July 2018 No. 751, eff. 8-1-18; CR 19-128: r. (7) (e) Register January 2021 No. 781, eff. 2-1-21.

REEB 25.055 Approval for pre-licensure education programs or courses. (1) GENERAL. (a) The board may approve a pre-licensure education program if it covers all of the required content and hours in ss. REEB 25.023, 25.028, 25.033, or 25.038. The board may approve a pre-licensure education course if it alone or in conjunction with one or more other courses covers the content and hours required under ss. REEB 25.023, 25.028, 25.033, or 25.038.

(b) Instructors shall be knowledgeable in the subject that they are teaching. An instructor whose real estate license has been limited, suspended or revoked may not instruct in a program or a course while the disciplinary action is in effect.

(c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation ~~as defined in s. 111.32 (13m), Stats., disability, handicap,~~ religion, ~~national origin, marital status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry physical disability or national origin~~ in its education program or courses.

(2) APPROVAL. A school or organization seeking approval of a pre-licensure education program or course shall submit to the board at least 30 days prior to offering the program or course all of the following:

- (a) Application provided by the board.
- (b) Organizational structure of the school or organization.
- (c) Registration policies.
- (d) Promotional materials.
- (e) Detailed outline of each program or course with specific allocations of hours to each topic. A school or organization utilizing a curriculum, which has already been approved by the board, may provide verification of utilization of the approved curriculum to meet this requirement.
- (f) Method of instruction.
- (g) Method for ensuring the students who complete the course are the enrolled students.

- (i) Names of all instructors.
- (j) Evidence that each instructor is one of the following:
 1. A person who is or has been engaged in the practice of teaching real estate courses at an accredited institution of higher education.
 2. A person who is properly licensed or certified by the board or other governmental agency who, for at least 5 years continuously, has been engaged in the real estate aspects of any of the following:
 - a. Appraising.
 - b. Financing.
 - c. Marketing.
 - d. Brokerage management.
 - e. Real property management.
 - f. Real estate counseling.
 - g. Real property law.
 3. A member of the Wisconsin state bar who is engaged in the field of real estate related law.
 4. A person who, in the judgment of the board, is qualified by experience or education to teach a course of study.

(3) CHANGES TO PROGRAM OR COURSE. A school or organization shall inform the board of any change in instructors and any substantive change in the information submitted in sub. (2) (a) to (j) within 10 days following the date of the change.

(4) EVIDENCE OF COMPLETION. (a) A school or organization shall provide all students with evidence of completion of the education program or course.

(b) A certificate of completion may not be issued unless the student received all the required contents of the education program and course. A certificate of completion shall include all of the following:

1. Name of the school or organization.
2. Name of the student.
3. Name of the program or course
4. Number of hours.
5. Date of completion.
6. Signature of authorized person at the school or organization.

(c) A school or organization shall maintain attendance and completion records for at least 5 years after a program or course has been conducted.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15.

REEB 25.065 Continuing education requirements for brokers and salespersons. (1) Each licensed broker and salesperson 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.

(2) A licensee may only satisfy the continuing education requirement by successfully completing the continuing education program or courses which are approved by the board before the programs or courses are conducted.

(3) A licensee shall submit evidence of completion of the continuing education requirement 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.

(5) A person who receives an original salesperson's or broker's license is required to satisfy the continuing education requirement during the biennium in which the

person receives that license, except a person who receives an original salesperson's license after October 1 in an even year is not required to

satisfy the continuing education requirement during that biennium.

(6) A licensee may attend more than one school in order to complete approved courses which are part of the continuing education program designated by the board under s. 452.05 (1) (d) and (g), Stats.

(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. The licensee may not receive credit for teaching a specific course more than one time.

(9) The board may grant an extension of time for completion of the continuing education requirement by a licensee and the licensee may obtain a renewal license for the extension period for one of the following reasons:

(a) Health reasons that prevented attendance at continuing education courses.

(b) Active duty in the military service with assignment to a duty station outside Wisconsin.

(c) Other compelling reasons beyond the control of the applicant while engaged in the real estate business.

(10) A licensee shall retain for a minimum period of 5 years and shall make available to the board, or its agent upon request, the evidence of completion issued by the school or organization for all continuing education programs for which the licensee claims credit for purposes of renewal of the license.

History: Cr. Register, January, 1992, No. 433, eff. 2-1-92; am. (6m), r. (4), r. and rec. (5), Register, September, 1993, No. 453, eff. 10-1-93; am. (7), Register, July, 1998, No. 511, eff. 8-1-98; am. (5), Register, August, 1999, No. 524, eff. 9-1-99; correction in (2), (3), (6) to (9) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671; CR 13-100: am. (1) Register September 2014 No. 705, eff. 10-1-14; CR 15-010: am. (2), (5), r. (6m), (7), am. (8), (9) (a), (b), cr. (10) Register September 2015 No. 717, eff. 10-1-15.

REEB 25.068 Approval for continuing education programs or courses. (1) GENERAL. (a) A school or organization shall conduct an examination at the end of each continuing education program or course consisting of at least ~~515~~ multi-~~ple-choice~~ questions for each ~~hour of the continuing education program~~~~program or course~~. The passing score shall be no less than 70%, unless the school or organization provides substantial justification to the board for a lower score and the board approves the lower passing score. A school or organization may not count examination time as part of the number of hours of the program or course.

(b) Instructors of continuing education programs or courses shall be knowledgeable in the subject that they are teaching. An instructor whose real estate license has been limited, suspended or revoked may not instruct in a program or a course while the disciplinary action is in effect.

(c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation, ~~as defined in s. 111.32 (13m), Stats., disability, handicap~~, religion, ~~national origin, martial status, family status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, or ancestry, age, physical disability or national origin in its education program or courses.~~

(2) APPROVAL. A school or organization seeking approval of a continuing education program or course shall submit to the board at least 30 days prior to offering the program or course all of the following:

- (a) Application provided by the board.
- (b) Organizational structure of the school or organization.
- (c) Registration policies.
- (d) Promotional materials.
- (e) Detailed outline of each program or course with specific allocations of hours to each topic. A school or organization uti-

lizing a curriculum that has already been approved by the board may provide verification of utilization of the approved curriculum to meet this requirement.

(f) Method of instruction.

(g) Method for ensuring the students who complete the course are the enrolled students.

(h) Method for evaluating instructors and program.

(i) Names of all instructors.

(j) Evidence that each instructor is any of the following:

1. A person who is or has been engaged in the practice of teaching real estate courses at an accredited institution of higher education.

2. A person who is properly licensed or certified by the board or other governmental agency who, for at least 5 years continuously, has been engaged in the real estate aspects of any of the following:

- a. Appraising.
- b. Financing.
- c. Marketing.
- d. Brokerage management.
- e. Real property management.
- f. Real estate counseling.
- g. Real property law.

3. A member of the Wisconsin state bar who is engaged in the field of real estate related law.

4. A person who, in the judgment of the board, is qualified by experience or education to teach a course of study.

(k) A minimum of ~~515 multiple-choice~~ questions for each ~~program or course~~~~hour of the continuing education program~~, the answer to each question, the portion of the course outline to which the question relates and the passing score for the examination. The questions shall comply with reasonable standards of test development and relate to the substantive contents of the continuing education program or course.

(3) CHANGES TO PROGRAM OR COURSE. A school or organization shall inform the board of any change in instructors and any substantive change in the information submitted in sub. (2) (a) to (k) within 10 days following the date of the change.

(4) EVIDENCE OF COMPLETION. (a) A school or organization shall provide all students with evidence of completion of the continuing education program or course.

(b) A certification of completion may not be issued unless the student received all the required contents of the education program or course. A certificate of completion shall include all of the following:

1. Name of the school or organization.
2. Name of the student.
3. Name of the program or course
4. Number of hours.
5. Date of completion.
6. Signature of authorized person at the school or organization.

(c) A school or organization shall maintain attendance and completion records for at least 5 years after a program or course has been conducted.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15.

REEB 25.09 Denial or withdrawal of approval. The board may deny or withdraw approval of a program or course that had been approved under s. REEB 25.055 or 25.068.

History: CR 15-010: cr. Register September 2015 No. 717, eff. 10-1-15; correction made under s. 13.92 (4) (b) 7., Stats., Register September 2015 No. 717.

Real Estate Examining Board
Calendar Year Rule Projects (updated 1/23/2023)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Next Steps
	078-22	03/19/2025	REEB 12 and 25	License Renewal and Continuing Education	Rule Drafting