



# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **21-043**

AN ORDER to repeal REEB 24.07 (8) (a) 1. and 1g., 24.13 (2) (b), and 24.16; to renumber and amend REEB 24.13 (2) (a); to amend REEB 24.01 (2), 24.02 (13m), (14), (16), (18), and (19), 24.03 (2) (a) and (c), 24.05 (5) (a) 3., 24.07 (1) (a) and (c), (3), and (8) (a) and (d) (title), 1., 2., and 3. and (e) 1., 24.075 (3) (a), (b), and (c), 24.08, 24.085, 24.09, 24.12 (1) and (2), 24.13 (1) and (2) (title), (3) (b), and (5), 24.15, and 24.17 (1), (2m), and (3); to repeal and recreate REEB 24.04 (1) through (4) and 24.05 (1) (a) and (b); and to create REEB 24.02 (16m), 24.07 (8) (a) 1m., and 24.13 (3) (c), relating to the conduct and ethical practices of licensees.

Submitted by **REAL ESTATE EXAMINING BOARD**

05-18-2021 RECEIVED BY LEGISLATIVE COUNCIL.

06-14-2021 REPORT SENT TO AGENCY.

SG:PH

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO



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### CLEARINGHOUSE RULE 21-043

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 2. Form, Style and Placement in Administrative Code

a. Consider either consolidating into one treatment section all paragraphs and subdivisions treated within the same section or subsection or, alternatively, consistently using only one treatment section for each section, subsection, paragraph, or subdivision treated. For example, SECTIONS 1 to 3 could be combined in the same manner as SECTION 5.

b. Revise the treatment section to be consistent with changes in the treatment clauses within the rule. The repeal of s. REEB 24.13 (2) (b) is listed twice; s. REEB 24.13 (2) is listed as renumbered and amended, but only s. REEB 24.13 (2) (a) is renumbered and amended; and s. REEB 24.07 (8) (a) is listed as amended, but it is s. 24.07 (8) (a) 1r. that is amended.

c. In SECTION 6, in the amendment of s. REEB 24.03 (2) (c), add “(2)” after “24.03”.

d. In the SECTION 7 treatment clause, replace “(1), (2), (3), and (4) are” with “is” because the entire section is being repealed and recreated. Change the treatment section of the rule to reflect this change.

e. In the treatment clause of SECTION 8, delete “(a) and (b)” because the entire subsection is being repealed and recreated. Change the treatment section of the rule to reflect this change.

f. In SECTION 10, in the amendment of s. REEB 24.07 (1) (c), add “(1)” after “24.07”. Additionally, the first instance of stricken text should not be interrupted by underscored text; rather, the new text should follow the removed text. The treatment of the last sentence should be reviewed as well, as text is both stricken and underscored.

g. In the SECTION 13 treatment clause, replace “is” with “are”.

h. In the SECTION 14 treatment clause, insert “is” after “1m.”. In SECTIONS 13 and 14, what is the agency’s intent with regard to treatment of these provisions? Generally, renumbering subd. 1. as subd. 1m. is unnecessary and may cause confusion. Additionally, “created” is the wrong treatment for SECTION 14, given the use of strikes and underscores.

i. In SECTION 15, in the amendment of s. REEB 24.07 (8) (a) 1r., insert “1r.” after “24.07 (8) (a)”. Additionally, new, underscored text should follow the removed text.

j. In SECTION 20, the provision should begin “Licensees A licensee”.

## **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In SECTION 6, in the amendment of s. REEB 24.03 (2) (a), consider changing “Licensees” to “A licensee” for the sake of case agreement within that paragraph.

b. In SECTION 9, in the amendment of s. REEB 24.05 (5) (a) 3., consider adding “,” after “listing firm” for consistent usage of the serial comma.

c. In SECTION 11, in the amendment of s. REEB 24.07 (3), consider replacing “shall be” with “is”. In that same subsection, consider striking “but not limited to” to be consistent with other treatments in this rule.

d. In SECTION 16, in the amendment of s. REEB 24.07 (8) (d) 1., replace “buyers” with “buyer’s” to be consistent with other usage in that subsection. In that same subdivision, consider rewording the underlined clause to improve readability and clarity.

e. In SECTION 16, in the amendment of s. REEB 24.07 (8) (d) 3., consider replacing “the licensee” with “the subagent” because the duty appears to be specific to a subagent.

f. In SECTION 18, in the amendment of s. REEB 24.08, consider rewording this section to improve clarity and readability. Consider replacing the clause beginning with “unless the writing is completed” with a new sentence beginning “This section does not apply if the writing is completed”.

g. In SECTION 21, in the amendment of s. REEB 24.12 (1), consider adding a “,” after “exchange agreement” for consistent usage of the serial comma, and consider replacing “Licensees” with “A licensee” for case agreement within that subsection.

h. In SECTION 21, in the amendment of s. REEB 24.12 (2), consider adding a “,” after “option ~~contract~~” for consistent usage of the serial comma.

i. In SECTION 23, in the amendment of s. REEB 24.13, consider redrafting the underlined sentence to improve clarity and readability. Consider moving the clause “for this subsection” to the beginning of the sentence and replacing it with either “For the purposes of this subsection,” or “In this subsection,”; both clauses are used throughout the REEB chapters.

j. In SECTION 26, in the amendment of s. REEB 24.13 (3) (c), replace both instances of “Licensees” with “A licensee” for case agreement within that paragraph.

k. In SECTION 30, in the amendment of s. REEB 24.17 (1), add “VIOLATIONS OF LAW.” after “24.17 (1)” and “CONVICTION.” after “24.17 (2m)”.