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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-136

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

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

The plain language analysis is very good and is thorough. However, it appears that the description of SECTION 19 is actually a description of SECTION 20. If so, this should be corrected and a description of SECTION 19 should be added.

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

a. In s. RL 24.02 (19), the phrase “provided between parties who are engaged in a transaction” could be clarified. For example, it might be replaced with “provided by one party to another party during the course of negotiating a transaction”.

b. Although the phrase “principal broker”, added in s. RL 24.05 (1) (a), is defined in s. 452.01 (5w), Stats., an identical definition should be repeated in s. RL 24.02 to ensure clarity.

c. As amended, s. RL 24.05 (2) could be interpreted as allowing self-dealing in some circumstances, provided that a licensee acts in his or her individual interest, rather than for the benefit of a family member, business, or organization. Does that interpretation reflect the department’s intention?

d. In the sentence added to the paragraph renumbered s. RL 24.05 (1) (b), the phrase “to other licensees” should read “to another licensee”.

e. The language added in s. RL 24.07 (8) (a) 3. should be revised for greater clarity. A possible revision might begin with the following language: “When a change to a licensee’s form of representation with a client or customer makes the initial disclosure provided under s. 452.135, Stats., incomplete,....”

f. As used throughout s. RL 24.07 (8) (d), the phrase “to a customer” could create some confusion. A possible alternative might be to insert “form” after this phrase.

g. For consistency, in s. RL 24.07 (8) (e), consider replacing the phrases “disclosure to clients required in” and “disclosure to customer form required in” with “disclosure statement required under”.