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CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF REGULATION AND LICENSING)

TO ALL TO WHOM THESE PRESENTS COME, GREETINGS:

I, Sue Ann Kaestner, Secretary of the Department of Regulation and Licensing, and custodian of the official records of the department, do hereby certify that the annexed rules, relating to rules of the Real Estate Board, were duly approved and adopted by this department on December 14, 1982.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin, this 14th day of December, 1982.

Sue Ann Kaestner
Sue Ann Kaestner, Secretary
Department of Regulation and Licensing

3-1-83

STATE OF WISCONSIN
BEFORE THE
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULEMAKING : ORDER OF THE DEPARTMENT
PROCEEDINGS BEFORE THE : OF REGULATION AND LICENSING
DEPARTMENT OF REGULATION : REPEALING, AMENDING OR
AND LICENSING : ADOPTING RULES

ORDER

Pursuant to authority vested in the Department of Regulation and Licensing in s. 227.014, Stats., and s. 440.03(1) and ch. 452, as affected by Chapter 94, Laws of 1981, the Department of Regulation and Licensing hereby repeals, repeals and recreates, amends and adopts rules, interpreting ch. 452, as affected by Chapter 94, Laws of 1981, as follows:

SECTION 1. Sections RL 11.02 and 11.03 of the Wisconsin administrative code, as renumbered, are repealed.

SECTION 2. Chapter REB 3 of the Wisconsin administrative code is repealed.

SECTION 3. Chapters REB 1, 2 and 4 to 16 of the Wisconsin administrative code are renumbered to chs. RL 11, 12 and 13 to 25 respectively.

SECTION 4. Section RL 11.01 of the Wisconsin administrative code, as renumbered, is amended to read:

RL 11.01 AUTHORITY. The ~~following rules and regulations in chs. RL 11 through RL 26~~ are adopted by the ~~board~~ department pursuant to ss. ~~15.08(5) Wis. Stats. 440.03(1), and relating to chapter 452 452.07,~~ Wis. Stats.

SECTION 5. Section RL 12.01(1)(f) is amended to read:

RL 12.01(1)(f) 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 or the department until ~~such~~ the applicant furnishes sufficient proof to the ~~board~~ department that ~~said~~ the applicant has not acted as a ~~salesman~~ salesperson or broker since the expiration of his or her license. The ~~board~~ department may in its discretion waive this requirement.

SECTION 6. Section RL 12.01(2)(a)2. of the Wisconsin administrative code is amended to read:

RL 12.01(2)(a)2. Real estate. New applications for a real estate broker's license from any non-resident of Wisconsin who is a resident of a state, which has a real estate license law shall not be acted upon until ~~such~~ the applicant presents proof that he or she is licensed and

maintains an active place of business in the state of his or her residence or maintains an active place of business in the state of Wisconsin. A mailing address shall not constitute a place of business, for the purpose of this section.

SECTION 7. Section RL 12.02(5)(e) of the Wisconsin administrative code is amended to read:

RL 12.02(5)(e) The oral examination shall be conducted by a member of the board or a member of the staff designated by the board department.

SECTION 8. Section RL 12.01(5)(g) of the Wisconsin administrative code is amended to read:

RL 12.02(5)(g) The board members or a member of the staff department shall review the transcript of the examination and shall determine upon standards set by the board department whether an applicant is competent to receive a real estate license. Competency shall be based on a grade of 75 or above. The provisions of ~~REB 2-02~~ RL 12.02(2), (3) and (4) as well as the provisions of s. ~~452-05~~ 452.09(3), Stats., shall be controlling in determining the standards of competency.

SECTION 9. Section RL 13.01(2) of the Wisconsin administrative code is amended to read:

RL 13.01(2) ACTION. Upon receipt of ~~such~~ a petition, the board or department may make ~~such~~ an investigation of the facts set forth in the petition as it deems desirable and may hold ~~such~~ hearings upon notice to ~~such~~ the petitioners or any other interested party as it may deem necessary or desirable. The board or department, however, shall not be required to issue any ~~such~~ declaratory ruling and ~~such~~ action shall be discretionary except upon reference of a case in accordance with the provision of s. 227.05, Stats. In no case ~~will such~~ may a petition be set for hearing, unless the petitioner states facts showing that the petitioner is affected by the rule or statute with respect to which a declaratory ruling is requested, or a showing that the application of ~~such~~ the rule or statute ~~to him~~ will affect him or her adversely. If the board or department determines that there is no issue of fact, the board or department shall state in the notice of hearing that issues of law only ~~will~~ shall be considered.

SECTION 10. Section RL 18.01 of the Wisconsin administrative code is amended to read:

RL 18.01 AUTHORITY. The following rules are adopted pursuant to ss. ~~45-08(5)~~, 227.014, 452.07 and 452-09 452.13, Stats.

SECTION 11. Section RL 18.02(1) of the Wisconsin administrative code is amended to read:

RL 18.02(1) "Board" means the real estate ~~examining~~ board.

SECTION 12. Section RL 22.01(3) of the Wisconsin administrative code is amended to read:

RL 22.01(3) FEE. Each application for apprentice license shall be accompanied by a fee of ~~15~~ \$10.00.

SECTION 13. Section RL 22.01(10)(c) of the Wisconsin administrative code is amended to read:

RL 22.01(10)(c) The board may suspend or revoke an apprentice license if the apprentice has violated any of the rules of apprenticeship, statutes or rules of the ~~board~~ department.

SECTION 14. Section RL 23.01 of the Wisconsin administrative code is amended to read:

RL 23.01 AUTHORITY. The rules in this chapter are adopted pursuant to ss. ~~15.08(5)~~, 227.014, ~~452.05 and 452.06~~, and ~~452.08~~ 452.07, 452.09, 452.10 and 452.12, Stats.

SECTION 15. Section RL 24.01(2) of the Wisconsin administrative code is amended to read:

RL 24.01(2) The intent of the ~~real estate examining board~~ department in adopting the rules in this chapter is to establish minimum standards of conduct for real estate licensees and to define that conduct which may result in board action to limit, suspend or revoke the license of a real estate broker, salesperson or cemetery salesperson, or to reprimand a real estate broker, salesperson or cemetery salesperson.

SECTION 16. Section RL 24.17(2) of the Wisconsin administrative code is amended to read:

RL 24.17(2) VIOLATION OF STATUTES, ADMINISTRATIVE CODE AND DISCIPLINARY ORDERS. Licensees shall not violate any provisions or terms or conditions of, or aid or abet the violation of ch. 452 of ~~Wisconsin Statutes~~, Stats., ~~chapters REB~~ chs. RL of the Wisconsin Administrative Code, Wis. Adm. Code or any formal disciplinary order of the real estate ~~examining~~ board.

SECTION 17. Section RL 25.005 of the Wisconsin administrative code is amended to read:

RL 25.005 AUTHORITY. The following rules are adopted pursuant to ss. ~~452.04(1m)~~, and ~~(2m)~~, and ~~452.09(5)(e)~~ 452.05(1)(c), 452.07, 452.09(2), 452.09(4) and 452.12(5)(c), Stats.

SECTION 18. Section RL 25.01(1) of the Wisconsin administrative code is amended to read:

RL 25.01(1) "Board" means the ~~Wisconsin~~ real estate ~~examining~~ board.

SECTION 19. Section RL 25.055(1)(a)2. of the Wisconsin administrative code is amended to read:

RL 25.055(1)(a)2. Course approvals shall expire on September 30 following the date of initial approval and every September 30 thereafter. A school shall submit an application for reapproval to the ~~board~~ department sufficiently early for the ~~board~~ department to review it and approve the courses ~~no later than the date of the board meeting in~~ September each year.

SECTION 20. Section RL 25.06(1) of the Wisconsin administrative code is amended to read:

RL 25.06(1) A school seeking initial approval from the ~~board~~ department of real estate non-credit programs shall submit its application on the forms provided by the ~~board~~ department. Approval of non-credit programs shall expire on September 30 following the date of initial approval and every September 30 thereafter. A school shall submit applications for reapproval to the ~~board~~ department sufficiently early for the board to review them and approve the non-credit programs ~~no later than the date of the board meeting in~~ September each year.

SECTION 21. Section RL 11.04 of the Wisconsin administrative code, as renumbered, is repealed and recreated to read:

RL 11.02 DEFINITIONS. As used in these rules: (1) "Board" means the real estate board.

(2) "Department" means the department of regulation and licensing.

SECTION 22. Section RL 13.01(1)(intro.) of the Wisconsin administrative code is repealed and recreated to read:

RL 14.01(1)(intro.) PETITION. Any person interested may file a petition for a declaratory ruling pursuant to s. 227.06, Stats. The petition shall contain the following:

SECTION 23. CHANGES IN TERMINOLOGY. Restructuring of the Real Estate Examining Board. (1) Whenever the term "board" or "examining board" appears in the following sections of Chs. RL, as renumbered from chs. REB, the term "department" is substituted: RL 12.01(1)(a), (c)2. and (e), 12.02(2) and (4)(a) and (b), (5)(a), (b), (d), (f) and (h), 16.01(1), (2)(intro.) and (3), 17.01(1)(d), 18.03(2), (4)(c), (5)(title), (a) and (b), (6)(a) and (b) and (7)(b), 18.04(1), (2)(a) and (b), (4) and (5), 19.01(7) to (11), 20.01(3) and (4), 21.01 (1) and (2), 22.01(1)(intro.) and (b), (d) and (e), (4), (6), (7)(h) and (i), (8)(d), (10)(b) and (d), 23.02, 23.03(2), 23.04(1) and 23.05, 24.04(2), 25.01(6), 25.02(1) and (4), 25.03(2)(intro.) and (a), 25.04(2), 25.05(1) to (3), (4)(intro.) and (a) and (b) and (6), 25.055(1)(a)1.(intro.) and (b), (2) and (3), 25.06(1)(a)1. and d., (b)1. and a. and 2., (2)(e) and (f), 25.07(1)(a), (b) and (e) and (2), 25.08(1) to (3) and 25.09.

(2) Whenever the term "salesman" or "salesmen" appears in the following sections of Chs. RL, as renumbered from chs. REB, the term "salesperson" or "salespersons" is substituted: RL 12.01(2)(a)1. and (b), 12.02(3) and (4)(b), 15.01(1), (2)(a) and (b) and (3), 16.01(2)(b), 17.01(1)(intro.) and (f), 19.01(2) and (3) to (7), (9), (10) and (14), 20.01(2), 21.01(3), 22.01 (1) and (b) to (d) and (2), (5), (7)(c), (j) and (m), (8)(a) and (d).

(3) Whenever the terms, "himself", "he" or "his" appear in the following sections of chs. RL, as renumbered from chs. REB, the terms, "or herself", "or she" or "or her" are added as appropriate: RL 12.01(1)(c)2., 12.02(5)(f) and (h), 13.01(1)(a) and (c) and (e), 15.01, 16.01(2)(a), 17.01(1), (d) and (g), 19.01(1), (2)(intro.) and (a) and (c) and (7), 20.01(1), (3) and (4), 22.01(5), (7)(d), (m) and (9)(a), (c) and (d).

SECTION 24. CROSS-REFERENCES CHANGES. Restructuring of the Real Estate Board. (1) In the sections of the Wisconsin administrative code listed in Column A, the statutory cross-references shown in Column B are changed to the statutory cross-references as shown in Column C.

Column A RENUMBERED CODE SECTIONS	Column B OLD CROSS-REFERENCES	Column C NEW CROSS-REFERENCES
RL 12.01(2)(a)	452.14	452.11
12.02(1)(intro.)	452.05	452.09
12.02(5)(a)	452.05, 452.06 and 452.05(2)(b)	452.09, 452.10 and 452.09(3)(b)
12.025(intro.)	452.05(2)	452.09(3)
16.01(4)	452.10(2)(i)	452.14(3)(i)
17.01(1)(h)	452.08(3)	452.12(3)
18.09(3)	452.10(2)(i)	452.14(3)(i)
18.14	452.10(2)	452.14(3)
19.01(16)	452.10(2)	452.14(3)
22.01(1)	452.10 and 452.05(3)	452.14 and 452.09(5)
22.01(1)(intro.)	452.05 and 452.06	452.09 and 452.10
23.04	452.08(2)	452.12(2)
24.01(3)	452.10(2)(i)	452.14(3)(i)
24.01(4)	452.10(2)(k)	452.14(3)(k)

(2) In the sections of the Wisconsin administrative code listed in Column A, as renumbered to Chapters RL from chs. REB, the code cross-references in Column B are changed to the code cross-references as shown in Column C:

Column A	Column B	Column C
RENUMBERED CODE SECTIONS	OLD CROSS-REFERENCES	NEW CROSS-REFERENCES
RL 18.12	REB 10.01	RL 19.01
24.01(4)	15.075, 15.075	24.075, 24.075
24.075(5)(a)	15.05(3)	24.05(3)
24.075(5)(b)	15.05(3)	24.05(3)
25.03(2)	16.02(3)(b) and (c)	25.02(3)(b) and (c)
25.03(2)(b)	16.02(4)	25.02(4)
25.03(2)(c)	16.05	25.05
25.04(title)	16.03	25.03
25.04(2)	16.02(3)(a)	25.02(3)(a)
25.05(4)	16.055 and 16.06	25.055 and 25.06
25.05(4)(b)	16.06(2), 16.06(1)	25.06(2), 25.06(1)
25.055(1)(b)	16.06	25.06
25.06(1)(a)	16.02(3) and 16.05(5)	25.02(3) and 25.05(5)
25.075	16.02(3)	25.02(3)
25.09	16.06	25.06
25.10(3)(a)	16.02(3)	25.02(3)
25.10(3)(b)	16.02(3)(b) & (c)	25.02(3)(b) & (c)
25.10(3)(c)	16.02(3)(a)	25.02(3)(a)
25.10(3)(d)	16.02(3)(b)	25.02(3)(b)
25.10(3)(e)	16.02(3)(c)	25.02(3)(c)

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 14 day of December, 1982.

By Sue Ann Kaestner
 Sue Ann Kaestner, Secretary
 Department of Regulation and Licensing

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