

Chapter RL 22

APPRENTICES

RL 22.005 Authority.

RL 22.01 Apprentices.

RL 22.005 Authority. The following rules are adopted pursuant to ss. 227.11 (2) and 452.09 (5), Stats.

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

RL 22.01 Apprentices. (1) REQUIREMENTS. (a) A broker may employ a person as an apprentice under a temporary salesperson's permit.

(b) A person desiring to act as an apprentice real estate salesperson shall file with the department an application for a temporary salesperson's permit. The application shall be in the form prescribed by the department and in accordance with ss. 452.09 and 452.10, Stats.

(c) Only persons who are a resident of this state and 18 years of age or over, may apply for a temporary salesperson's permit.

(e) Before the application for an apprentice permit may be accepted by the department, an applicant for a permit shall be indentured to a licensed real estate broker of the department in good standing, who has agreed, in writing, to an indenture agreement according to the rules of the department.

Note: Applications are available upon request to the department offices located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) NUMBER. Only one apprentice may be employed for each individual holding a broker's license unless the broker employs full time salespersons, in which case an additional apprentice shall be allowed for each 5 full time salespersons employed. However, in no case may an individual or business entity broker employ more than 3 apprentice salespersons.

(3) FEE. Each application for an apprentice permit shall be accompanied by the fee specified in s. 440.05 (6), Stats.

(4) PERIOD. An apprentice permit may not be granted for a period to exceed one year from the date of issuance by the department and may not be renewed.

(6) TERMINATION. An apprentice who leaves the employ of the sponsoring broker for any reason shall surrender the apprentice permit to the broker immediately upon the termination of the apprenticeship by the apprentice, the broker or the department.

(7) SCOPE OF EMPLOYMENT. (a) An apprentice may not close a real estate sale.

(b) An apprentice may not advertise in newspapers or telephone directories or by signs or any other means, nor may the broker advertise the name of the apprentice in any manner.

(c) An apprentice may use business cards if the business cards clearly state "Apprentice Salesperson" in type as large as the type used for the apprentice's name.

(d) An apprentice may not be paid a portion of a commission based upon sales or on listings secured nor may he or she be paid on a percentage basis for any other services performed.

(e) An apprentice may be paid on an hourly basis only and the rate of pay shall be included in the apprenticeship contract.

(f) An apprentice shall spend a minimum of 20 hours work each week, to be spent in no less than 3 days each week, performing apprenticeship duties. A minimum of 6 hours of the 20 hours work each week shall be spent pursuing a course of study of real estate laws and procedures.

(h) Enrollment in a real estate course at a school approved by the department pursuant to s. RL 25.05 or 25.06 meets the requirement of a course of study for a maximum of 4 hours per week.

(i) Further study for the apprentice shall be conducted by the broker or by an instructor hired by the broker and approved in writing by the department.

(j) During the first 6 months of the apprenticeship, the apprentice may not secure listing contracts, offers to purchase or any other contracts unless accompanied by a fully licensed real estate salesperson or broker.

(k) During the first month of the apprenticeship, the apprentice may not negotiate with the public, but shall spend the apprenticeship time becoming acquainted with the operation of the real estate office.

(L) After the first month of the apprenticeship, the apprentice may handle open houses and rentals, but may not draft or negotiate offers to purchase or earnest money receipts.

(m) After 6 months of the apprenticeship, the apprentice may secure listing contracts if the listing contracts are reviewed and approved by the broker within 24 hours after they are secured and if the listing contracts contain the following clause:

"This listing contract has been secured by an apprentice salesperson and shall not be binding upon either party until approved by the broker. If the broker does not notify the seller that he or she is not approving this listing contract within 2 days from the date of this contract, then this contract shall be binding upon both parties.

Approved this _____ day of _____, 19____.

Broker

(n) The apprentice may not execute or have executed any rental agreement until the broker has approved the rental agreement in writing on the face of the contract.

(8) BROKER'S DUTIES. (a) The broker shall at all times be responsible for the acts of the apprentice and shall properly supervise the apprentice.

(b) The broker shall make available suitable instructions and a course of study for the apprentice, including real estate procedures, real estate law, office procedures and sales techniques.

(c) The broker shall pay the apprentice an hourly rate of pay which may not be less than the minimum wage required by state and federal law.

(d) The broker shall prepare and execute an apprenticeship contract which shall include the rate of pay, the hours to be spent by the apprentice, the instructions or course of study that will be offered to the apprentice and a schedule of commissions to be paid after the apprentice has obtained a salesperson's or broker's license. A copy of the contract shall be filed with the department.

(e) The broker may include in the apprenticeship contract, reasonable employment requirements after termination of the apprenticeship, but in no case may the employment right extend beyond 2 years after the termination of the apprenticeship.

(f) The broker will furnish the apprentice with a written copy of the rules of the office.

(9) APPRENTICES' DUTIES. (a) The apprentice shall punctually attend all courses of instruction offered by the broker or by schools he or she shall attend unless excused for reasonable cause by the broker.

(b) The apprentice shall obey all office rules of the broker and any other rules set forth in the apprentice contract.

(c) The apprentice may not engage in any real estate activities outside of the scope of his or her apprenticeship employment.

(d) The apprentice shall be punctual on all appointments and shall fully inform his or her broker concerning all of his or her activities.

(e) The apprentice shall keep and maintain a record in the broker's office, containing the date, activity and work hours, including time spent at school or attending a course of instruction. The entries in the record shall be thoroughly reviewed, and be noted as having been reviewed, by the broker.

(10) GENERAL. (a) An apprenticeship contract may be canceled on the mutual consent of both parties.

(b) Upon informal written complaint filed with the department by either the broker or apprentice, the board may hold a formal or informal hearing to review an apprentice permit or apprenticeship

program.

(c) The department may suspend or revoke an apprentice permit if the apprentice has violated any of the rules in this chapter.

(d) The department may suspend or revoke a broker's license if the broker has violated any of the rules in this chapter.

(e) A broker may at any time cancel an apprenticeship contract for just cause provided the broker furnishes the apprentice with a written statement within 5 days of the cancellation setting forth in detail the reasons for the cancellation of the apprenticeship contract.

History: Cr. Register, April, 1972, No. 196, eff. 5-1-72; am. (1) (d), Register, July, 1972, No. 199, eff. 8-1-72; am. (1) (a), Register, July, 1976, No. 247, eff. 8-1-76; renum. from RBB 13.01 and am. Register, February, 1983, No. 326, eff. 3-1-83; renum. (1) (intro.) and (a) to be (1) (a) and (c) and am., am. (1) (b), (e), (2) to (4), (6), (7) (a) to (f), (h), (j) to (L), (m) (intro.), (n), (8) (a) to (c), (9) (b), (c), (e) and (10) (b) to (d), r. (1) (c), (d), (5) and (7) (g), Register, July, 1998, No. 511, eff. 8-1-98.