

Wisconsin Department of Agriculture, Trade and Consumer Protection

Business Impact Analysis¹

Rule Subject: **Discretion in enforcement of rule violations by small businesses**
Adm. Code Reference: **Ch. ATCP 1**
Rules Clearinghouse #: **12-043**
DATCP Docket #: **12-R-03**

Rule Summary

This rule does all of the following:

- Creates a definition of “minor violation” for certain violations of department rules by small businesses.
- Provides that the department may exercise the discretion to forego formal sanctions or to seek reduced sanctions when a minor violation of department rules has been committed by a small business.

Business Impact

This rule will not increase any costs for businesses. The rule may produce an economic benefit for small businesses that commit minor violations of DATCP regulations when discretion is exercised to forego formal sanctions or to seek reduced sanctions.

Accommodation for Small Business

The purpose of this rule is to accommodate the particular needs of small business by authorizing DATCP to forego formal sanctions or to seek reduced sanctions when a minor violation of department rules has been committed by a small business.

Conclusion

This rule will generally benefit “small businesses.” This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2) (e), Stats.

¹ This analysis includes, but is not limited to, a small business analysis (“regulatory flexibility analysis”) under ss. 227.114 and 227.19(3)(e), Stats.

Dated this _____ day of _____, 2012.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
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