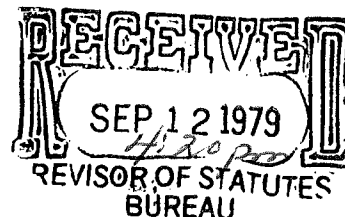


REB 16

CERTIFICATE

STATE OF WISCONSIN)
) SS
REAL ESTATE EXAMINING BOARD)




TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Cletus J. Hansen, Administrative Supervisor, of the Real Estate Examining Board, and custodian of the official records of said board do hereby certify that the annexed rules relating to pre-licensing and continuing education requirements of real estate brokers and salespersons, were duly approved and adopted by this board on August 16, 1979.

I further certify that said copy has been compared by me with the original on file in this board 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 board at 1400 East Washington Avenue in the city of Madison, this 12th day of September A.D. 1979.



Administrative Supervisor

STATE OF WISCONSIN
BEFORE THE
WISCONSIN REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE REAL ESTATE EXAMINING
PROCEEDINGS BEFORE THE REAL : BOARD REPEALING, AMENDING AND
ESTATE EXAMINING BOARD : ADOPTING RULES

Relating to rules concerning pre-licensing and continuing education requirements of real estate brokers and salespersons. These rules establish criteria for approval of programs, courses, and instructors. They also cover the investigation and review of schools and programs.

Analysis prepared by the Wisconsin Real Estate Examining Board.

ANALYSIS OF CHAPTER REB 16

REB 16 refers to the pre-licensing and continuing education requirements of real estate brokers and salespersons. It establishes criteria for approval of programs, courses, and instructors. It also covers the investigation and review of schools and programs.

The proposed revision simplifies procedures for approval of credit courses and eliminates some unnecessary paperwork for schools. Several new definitions and several new criteria for approval of courses have been added. Several clarifications of the requirements imposed on licensees by the present rule have also been provided. However, none of these clarifications result in additional requirements for licensees.

The Board feels that these changes will give the force of law to several criteria that it has had to develop during the past few months for approving or denying courses and programs. We believe that these changes will enhance our objective of making quality education available to licensees without duplicating the control measures of other agencies and without unnecessary paperwork.

The revision proposal was developed with the assistance of an eight member educational advisory committee. It was discussed and explained to interested persons on University of Wisconsin-Extension's Educational Telephone Network and a public hearing was held on May 24, 1979.

Specific, substantive changes follow:

REB 16.005 - Statutory authorization is stated here, rather than at various places throughout the rule.

REB 16.01 - New definitions which make it possible to eliminate repetitive phrases throughout the rule. Note new distinction between "credit courses" and "non-credit programs."

REB 16.02(1) and (2) - Elimination of requirement that education be obtained within 5 years prior to application for licensure.

- REB 16.02(2)(a) - Note the insertion of the ratio for acceptance of quarter hour credits. The University of Wisconsin accepts quarter hour credits according to this ratio.
- REB 16.02(3)(a) - Elimination of "organized real estate business" from required topics. This is too self-serving to the realtor associations.
- REB 16.03(1)(b) & (c) - This spells out several requirements to avoid any confusion or oversight.
- REB 16.05(5)(g) - Addition of "the laws against discrimination in housing" to the list of topics acceptable for continuing education.
- REB 16.05(5)(h) - Significant policy statement concerning continuing education programs.
- REB 16.055 - A new section on credit courses which radically simplifies procedures for approval of these courses: 60-Hour Courses -- an application is required. Continuing education -- no application required. Official transcript of student grade report serves as evidence of attendance at credit courses.
- REB 16.06(1) - Provides for annual renewal date for all program reapprovals.
- REB 16.06(1)(b)(1) - New emphasis on schools evaluating instructors and gives us power to require summary of evaluations.
- REB 16.06(2)(a-f) - Significant policy additions - criteria for approval of non-credit programs.
- REB 16.07(1) - Additional requirements pertaining to certificates of attendance at non-credit programs.
- REB 16.07(2) - Requires a notarized list of non-credit continuing education only - not for 60-hour programs. We have looked at the notarized lists required by the current rule for 60-hour programs no more than a half dozen times during the past year and a half. Also requires schools to keep attendance records for 5 years.
- REB 16.075(1) & (2) - Several clarifications of previously unclear requirements in the rule. Subsection (2) is particularly noteworthy.
- REB 16.08 - Addition of the word "instructor" in addition to schools, courses, and programs.
- REB 16.09 - A new section stating an advertising policy, as directed by the Board at their February meeting. This should help avoid misleading advertising which confuses prospective licensees.
- REB 16.10 - A new section which lists all forms associated with the education program.

Several of the above changes resulted from discussions with the Committee on Commerce and Consumer Affairs; Representative Midge Miller, Chairperson.

ORDER

Now therefore it is ordered that pursuant to authority vested in the Wisconsin Real Estate Examining Board by sections 15.08, 227.024, and 452.04, Wis. Stats., the Wisconsin Real Estate Examining Board is repealing and recreating and adopting rules interpreting sections 452.04(1m), 452.05(1m) and (2), and 452.08(5)(c), Wis. Stats. as follows:

Chapter REB 16 Education of the Wisconsin Administrative Code is repealed and recreated and adopted to read as on the attached pages.

The rules, amendments and repeals contained in this order shall take effect pursuant to authority granted in s. 227.06, Wis. Stats.

Dated this 12th date of September 1979.

By: Cletus J. Hansen
Cletus J. Hansen
Wisconsin Real Estate Examining Board

Administrative Rule
FISCAL NOTE

Agency Department of Regulation and Licensing Real Estate Examining Board	Rule No. REB 16
Subsection	
Subject (Title) of Rule Education	

Local Fiscal Effect

- Local: Increase/decrease Existing Fiscal Liability No Local Fiscal Effect
 Create New Fiscal Liability
 Increase/Decrease Existing Revenues

Types of Local Governmental Units Affected:


- () Towns () Villages () Cities () Counties () Others _____

Is Fiscal Effect: () Permissive () Mandatory

Assumptions and methodology used in arriving at local fiscal impact or rationale for concluding that there is no fiscal impact.

The proposed amendments to the rule were reviewed and it was determined there will be no local fiscal effect. The rule revisions will affect licensees or potential licensees only and will be enforced by state personnel.

Long-Range Fiscal Implications



 Agency Head Signature

3-29-79

 Date

REAL ESTATE EXAMINING BOARD

Chapter REB 16

EDUCATION

REB 16.005 AUTHORIZATION. The following rules are adopted pursuant to ss.452.04(1m), 452.05(1m) and (2m), and 452.08(5)(c), Stats.

REB 16.01 DEFINITIONS. As used in this chapter, unless the context otherwise specifically requires:

- (1) "Board" means the Wisconsin real estate examining board.
- (2) "Hour" means a period of 50 minutes of actual classroom instruction and shall not include time spent in writing tests or examinations given by the school.
- (3) "Credit course" means a course which can be applied toward an associate degree or higher degree at an accredited institution of higher education.
- (4) "Non-credit program" means an educational program or training session which does not satisfy requirements for an associate degree or higher degree at the school offering the educational program or training session.
- (5) "Accredited institution of higher education" means a law school accredited by the American Bar Association or other schools accredited by one of the regional institutional accrediting commissions or associations which have been recognized by the U.S. Commissioner of Education.
- (6) "Evidence of attendance" means an official transcript, student grade report, or board-approved certificate showing satisfactory completion of educational programs or training sessions.

REB 16.02 EDUCATIONAL REQUIREMENTS OF APPLICANT FOR AN ORIGINAL REAL ESTATE BROKER'S LICENSE. (1) Each applicant for an original real estate broker's license shall present with the application for a license evidence of attendance at 60 hours of an educational program approved by the board in accordance with this chapter.

- (2) Minimum educational requirements shall not apply to:
 - (a) An applicant producing evidence that applicant has received 20 semester hour credits in real estate or law at an accredited institution of higher education. A quarter hour credit shall equal 2/3 of a semester hour credit.
 - (b) Attorneys at law admitted to the practice in the state of Wisconsin.

(3) The 60 hours of educational programs for applicants for an original real estate broker's license shall include:

(a) Real property law (a total of 30 hours which shall include a substantial amount of time on each of the following 17 topics)

1. Real estate licensing and the licensing law
2. Legal environment, law of agency and civil rights and securities
3. Contractual aspects of listings
4. Law of contracts as they relate to selling
5. Offer, acceptance, and closing
6. Descriptions of real estate
7. The land contract and options
8. Deeds
9. Mortgages
10. Analysis of seller's property rights
11. Leases, and landlord-tenant law
12. Real estate trust funds
13. The law against discrimination in housing
14. Legal aspects of financing
15. Consumer protection
16. Code of ethics
17. Recent changes in real property law

(b) Real estate appraising and financing (a total of 15 hours which shall include a substantial amount of time on each of the following 5 topics)

1. Land use principles
2. Construction
3. Estimating a listing price
4. Practical aspects of mortgage financing
5. Real property management

(c) Marketing real estate (a total of 15 hours which shall include a substantial amount of time on each of the following 7 topics)

1. Real estate office procedures
2. Listing procedures
3. Advertising property for sale
4. Service and responsibility to clients
5. Providing property information and disclosure
6. Applied aspects of listing contract
7. Applied aspects of offer to purchase

REB 16.03 EDUCATIONAL REQUIREMENTS OF APPLICANT FOR AN ORIGINAL OR RENEWAL REAL ESTATE SALESPERSON'S LICENSE. (1) There are no educational requirements to write the salesperson's examination.

(2) Within the 24-month period commencing with the first day of September following the granting of applicant's original real estate salesperson's license, each licensed real estate salesperson shall submit to the board evidence of attendance at 30 hours of educational programs as set forth in REB 16.02(3)(b) and (c).

(a) The board may give credit toward the completion of this requirement for an approved educational program attended by the licensee up to 3 years before the commencement of the 24-month period.

(b) The salesperson's license shall not be renewed if the licensee does not meet the educational requirements within the 24-month period, and the salesperson seeking renewal of license shall apply as an applicant for original licensure.

(c) None of the 30 hours taken to satisfy the requirements of this subsection shall satisfy the continuing education requirement in REB 16.05.

REB 16.04 EDUCATIONAL REQUIREMENTS OF BROKER APPLICANT WHO IS A LICENSED REAL ESTATE SALESPERSON AND WHO HAS COMPLETED THE 30-HOUR REQUIREMENT IN REB 16.03. (1) An applicant for a broker's license who has been a licensed real estate salesperson and who has completed the 30-hour educational requirement for renewal of the salesperson's license shall be permitted to apply those 30 hours toward the 60-hour requirement.

(2) The applicant shall submit to the board evidence of attendance at the additional 30 hours needed to meet the 60-hour requirement. These 30 hours shall consist of the educational programs as set forth in REB 16.02(3)(a).

REB 16.05 CONTINUING EDUCATION REQUIREMENTS FOR BROKERS AND SALESPERSONS.

(1) To establish an applicant's satisfactory completion of the continuing education requirement, every licensee shall submit to the board evidence of attendance at a minimum of 10 hours of approved educational programs or training sessions every 2 years. The 2-year period shall be measured as of August 31 of each year.

(2) A licensee who is also licensed to practice law in the state of Wisconsin shall be granted credit for attendance at continuing legal education programs which the board determines to be related to real estate matters.

(3) A licensee shall submit evidence of completion of this continuing education requirement when applying for renewal of license, or the board shall withhold issuance of the renewal license until such evidence is submitted.

(4) The 10 hours of continuing education to qualify a broker or salesperson for license renewal shall be educational programs and training sessions approved by the board in accordance with REB 16.055 and 16.06.

(5) The 10 hours of continuing education shall be selected from:
(a) Real property law.

(b) Real estate appraising

(c) Real estate financing

(d) Real property management

(e) Real estate counseling

(f) Real estate marketing

(g) The laws against discrimination in housing

(h) Other real estate-related subjects which are consistent with sub. (6).

(6) The contents of continuing education programs shall consist of the real estate knowledges and practices that are broad-based and essential to the role of a real estate general practitioner as he or she acts in the best interests of the consumer. These contents shall directly relate to real estate principles and practices such as described in the Wisconsin Real Estate Law Manual and any overview text on real estate principles and practices, or to new developments in the field for which licensees have a demonstrated need. The board shall not approve offerings in mechanical office and business skills such as typing, speed-reading, memory development, personal motivation, salesmanship, sales psychology, nor sales promotions or other meetings held in conjunction with the general business of a salesperson's broker.

REB 16.055 REQUIREMENTS FOR APPROVAL OF AND CERTIFICATION OF ATTENDANCE AT CREDIT COURSES.

(1) APPROVAL. (a) 60-hour and 30-hour requirement.

1. A school seeking initial approval of credit courses in real estate shall submit its application on the form provided by the board. The board may require the following information and materials:

- a. The department in the school which is offering the courses.
- b. The method of instruction for each course.
- c. The course numbers and titles.
- d. Detailed outlines of each course with specific allocations of classroom hours to each topic.
- e. A current school bulletin.

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 sufficiently early for the board to review it and approve the courses no later than the date of the board meeting in September each year.

(b) Continuing education requirement. The board shall automatically approve and accept credit courses in real estate or real estate-related law commencing on or after May 20, 1978. Schools shall not be required to follow the requirements in par (a) nor in REB 16.06, except that schools may not discriminate against anyone on the basis of sex, race, religion, age, physical disability, or national origin in their educational programs.

(2) EVIDENCE OF ATTENDANCE. The board shall accept only an official transcript or student grade report as evidence of satisfactory completion of credit courses.

(3) ATTENDANCE REQUIREMENTS. Students shall satisfy board attendance requirements by successfully completing credit courses in accordance with the attendance requirements of the school. The board shall not accept attendance at credit courses on an audit basis to satisfy the requirements of this chapter.

REB 16.06 APPROVAL OF NON-CREDIT EDUCATIONAL PROGRAMS. (1) A school seeking initial approval from the board of real estate non-credit programs shall submit its application on the forms provided by the board. 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 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.

(a) Qualifications of instructors. 1. Education and experience. Instructors of non-credit programs shall be approved by the board. Instructors shall be experienced in the subject which they are teaching; the board may limit its approval to specific content areas set forth in REB 16.02(3) and 16.05(5). Instructors shall possess at least one of the following minimum qualifications:

a. An instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher education.

b. Properly licensed or certified person who is engaged in the real estate aspects of appraising, financing, marketing, real property management, real estate counseling, real property law, or other related real estate subjects and has been for at least the past 5 years continuously engaged in such practice.

c. Member of the state bar of Wisconsin who is engaged in the field of real estate-related law.

d. A person, who, in the judgment of the board, is qualified by experience or education, or both, to supervise a course of study within the legislative intent of this section.

(b) Information required.

1. The board may require a school seeking initial approval and reapproval of non-credit programs to describe or furnish its organizational structure, registration policies, fee schedules, promotional materials, detailed outlines of each non-credit program with specific allocations of classroom hours to each topic, student records system, the names and qualifications of instructors, its method for evaluating instructors and a summary of evaluations conducted, and the time, date and location of each non-credit program.

a. The board may allow a school to apply for initial approval of non-credit programs without specific information concerning dates, times, locations, and instructors, but the school shall provide this information no later than the beginning of the approved program.

2. A school shall inform the board of any changes in the information required in subd. 1 within 10 days following the date of the change.

(2) Additional criteria for approval of non-credit programs follow:

(a) Applicants for approval of non-credit programs shall not discriminate against anyone on the basis of sex, race, religion, age, physical disability, or national origin in their educational programs.

(b) The entity applying for approval of non-credit programs shall have education as a primary function.

(c) A school shall not limit attendance at an approved program to members of a particular organization or to employees of a particular company.

(d) A program designated to satisfy the 60-hour or 30-hour requirement shall not satisfy the continuing education requirement for any licensee.

(e) The board shall not approve a non-credit continuing education program designed for less than 2 hours.

(f) The board shall approve a non-credit continuing education program only in its entirety. Licensees shall attend substantially the complete program in order to receive a certificate of attendance.

REB 16.07 EVIDENCE OF ATTENDANCE FOR NON-CREDIT PROGRAMS. (1) Schools shall provide an individual certificate of attendance to all students upon satisfactory completion of non-credit programs.

(a) Certificates of attendance shall contain minimum wording prescribed by the board.

(b) Certificates of attendance shall be signed by authorized persons whose signatures are on file with the board.

(c) The date of issuance on certificates of attendance shall be that of the last class attended by the student.

(d) Certificates of attendance at continuing education programs shall be on blue paper only.

(e) Only current licensees shall be eligible to receive a board-approved certificate of attendance for completion of a continuing education program.

(2) A school shall submit to the board a notarized list of those persons satisfactorily completing non-credit continuing education programs also certifying that the named students personally attended the minimum required statutory classroom instruction. The notarized list shall be furnished within 10 days following the date of completion of non-credit continuing education program(s). (3) A school shall maintain for 5 years records sufficient to establish the attendance record submitted for non-credit 60-hour and 30-hour programs and continuing education programs.

REB 16.075 ATTENDANCE REQUIREMENTS FOR NON-CREDIT COURSES. (1) 60 and 30-hour requirement. Students shall attend all of the required hours and receive substantially all the required contents, before a certificate of attendance may be granted for satisfying any of the requirements in REB 16.02(3). Schools may make arrangements for make-up classes to enable students to meet the attendance requirements.

(2) Continuing education requirement. Licensees shall register for the complete educational program or training session, attend the whole program, and receive a certificate for the hours for which the program or session was approved, except that a licensee who is forced by an emergency to leave a program may be given a certificate for the hours actually attended, but not for less than 2 hours.

REB 16.08 INVESTIGATION AND REVIEW. (1) PERIODIC REVIEW. The board, or its duly authorized representative, shall investigate and review all approved educational programs, courses, and instructors. The method of review shall be determined by the board in each case and will generally consist of the following:

(a) Consideration of information available from federal, state, or local agencies, private organizations or agencies, or interested persons.

(b) Conferences with officials or representatives of the school involved or with former students of the school.

(c) Public hearing respecting the educational program, course, or instructor involved, with adequate written notice to the school and/or instructor.

(d) Investigation by visitation to the school.

(2) UPON COMPLAINT. In addition to investigation upon its own initiation, the board may investigate any school or instructor upon receipt of a complaint from an interested person.

(3) DENIAL OR WITHDRAWAL OF APPROVAL. If, after investigation, the board denies or deems it proper to withdraw its approval of any educational program, course, or instructor, written notification must be given with reasons for such action. The school or instructor may request a hearing before the board.

REB 16.09 ADVERTISING OF REAL ESTATE NON-CREDIT PROGRAMS OFFERED BY LICENSEES. (1) Licensees who advertise the availability of non-credit real estate programs from their real estate firm shall state that these programs are not approved by the board if, in fact, they have not been approved in accordance with REB 16.06.

REB 16.10 FORMS.

(1) APPLICATIONS FOR APPROVAL OF NON-CREDIT PROGRAMS.

(a) Application for approval of 60-hour and 30-hour programs.

(b) Application for approval of instructors for 60-hour and 30-hour programs.

(c) Application for approval of continuing education programs.

(d) Application for reapproval of 60-hour, 30-hour, and continuing education programs.

(2) CERTIFICATES OF APPROVAL OF NON-CREDIT PROGRAMS.

(a) Approval of programs and instructors.

(b) Approval of additional instructors.

(3) CERTIFICATES OF ATTENDANCE AT NON-CREDIT PROGRAMS.

(a) Certificate for 60 hours in REB 16.02(3).

(b) Certificate for 30 hours in REB 16.02(3)(b) & (c).

(c) Certificate for 30 hours in REB 16.02(3)(a).

- (d) Certificate for 15 hours in REB 16.02(3)(b).
- (e) Certificate for 15 hours in REB 16.02(3)(c).
- (f) Certificate for continuing education.
- (4) APPLICATION FOR APPROVAL OF CREDIT COURSES.
- (5) MISCELLANEOUS.
 - (a) Notarized list form for non-credit continuing education programs.
 - (b) Report for review of approved programs.

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