

Clearinghouse Rule 18-049

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING RULES

The Real Estate Examining Board is petitioning the Joint Committee for Review of Administrative Rules to repeal a rule the Real Estate Examining Board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the Real Estate Examining Board to repeal REEB 24.17 (2m) relating to revoking a license based upon a felony conviction that is a bar to licensure or registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 452.14 (3) (p), Stats.

Statutory authority: ss. 15.08 (5) (b), 452.07 (1), Stats.

Explanation of agency authority:

The Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. [15.08 (5) (b), Stats.]

The Board shall promulgate rules for the guidance of the real estate profession and define professional conduct and unethical practice. [452.07 (1), Stats.]

Related statute or rule: REEB 24.17 (2)

Plain language analysis:

REEB 24.17 (2m) allows the Real Estate Examining Board to revoke a license or registration based on a conviction of a felony that is a bar to licensure or registration under s. 452.025 (1) (a), Stats. This rule was promulgated to implement 2013 Act 288 which created s. 452.14 (3) (p), Stats.

2017 Act 110 repealed and recreated s. 452.14 (3) (p), Stats. The current s. REEB 24.17 (2m) is a more restrictive standard than the new recreated statutory provision. In addition, the Real Estate Examining Board currently has a rule which addresses disciplinary actions based upon convictions so it is unnecessary to amend s. REEB 24.17 (2m).

Therefore, the Board has determined that s. REEB 24.17 (2m) is an unauthorized rule and seeks its repeal under s. 227.26 (4).

Agency contact person:

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TEXT OF RULE

SECTION 1. REEB 24.17 (2m) is repealed.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
