

Robert Webster
Chairperson

Richard Marino
Vice Chairperson

Thomas Richie
Secretary

REAL ESTATE EXAMINING BOARD



4822 Madison Yards Way
PO Box 8366
Madison WI 53708-8366

Email: dsps@wisconsin.gov
Voice: 608-266-2112
FAX: 608-251-3032

DATE: August 21, 2018

TO: Members, Joint Committee for Review of Administrative Rules

The Honorable Steve Nass, Co-Chair
The Honorable Joan Ballweg, Co-Chair

FROM: Robert Webster, Chair
Real Estate Examining Board

SUBJECT: Clearinghouse Rule 18-049 (revoking a license based on a felony conviction that is a bar to licensure or registration)

Co-Chairs Nass and Ballweg and Committee Members:

Thank you for the opportunity to testify in support of Clearinghouse Rule (CR) 18-049, the Real Estate Examining Board's (Board) proposed final draft permanent rule under ch. REEB 24. This proposed permanent rule repeals s. REEB 24.17 (2m) relating to the Board's authority to revoke a license or registration based on a felony conviction that is a bar to licensure or registration under s. 452.25 (1) (a), Stats. The application of this board authority was narrowed pursuant to 2017 Wisconsin Act 110 (Act 110) and is no longer authorized.

CR 18-049 utilizes the new expedited process established under s. 227.26 (4), Stats., for repealing of unauthorized rules. Created by 2017 Wisconsin Act 108, this new process will allow for a more streamlined and efficient process to review and clean up obsolete rules existing in the Wisconsin Administrative Code.

Act 110 repealed s. 452.14 (3) (p), Stats., which had originally contained the language mirrored by s. REEB 24.17 (2m), and subsequently recreated the statute to make this authority only applicable if the individual was convicted of an offense for which the circumstances substantially related to real estate practice. The Board currently has rules that address disciplinary actions based upon convictions, however with the enactment of Act 110, the Board's current rule under s. REEB 24.17 (2m) is no longer authorized. As a result, on June 25, 2018, the Board submitted a petition to the Joint Committee for Review of Administrative Rules (JCRAR) for repeal of this unauthorized rule, which will bring the Board's administrative code into compliance with existing state statute.

Again, thank you for the opportunity to submit testimony today in support of CR 18-049.