

(4) **MISREPRESENTATION OF OPPORTUNITY.** The making of false, untrue, or deceptive statements or representations or any statement or representation which has the tendency or capacity to mislead or deceive students, prospective students, or the public regarding any opportunities in any vocation or field of activity as a result of the completion of any given course of instruction or educational service is an unfair and deceptive trade practice. Whenever reference is made to a course in accounting or law, there must be affirmative disclosure of the fact that the successful completion of the course will not entitle the student to take the Wisconsin C.P.A. examination or the Wisconsin bar examination.

(5) A school shall not deceptively designate or refer to its sales representatives and solicitors as "registrars", "counselors", "advisors", or by words of similar import or misrepresent in any other manner, the titles, qualifications, training, experience or status of its salesmen, agents, employes, or other representatives.

(6) In obtaining leads to prospective students, a school shall not represent that it is conducting a talent hunt, contest, or similar test, unless such is the fact and such representation is accompanied by a clear and conspicuous disclosure of the industry member's name and address and the fact that it is a school if such is not apparent from its name. An industry member which conducts a talent hunt, contest, or similar test among the prospective students should keep accurate records concerning the results thereof.

(7) A school shall not use any photograph, cut, engraving, or illustration in catalogs, sales literature, or otherwise in such a manner as to convey a false impression as to the size, importance, or location of the school or its equipment.

(8) **FALSE REPRESENTATIONS AS TO THE STUDENT'S OBLIGATION TO PAY.** The making of false or deceptive statements or representations or any statement or representation which has the tendency to deceive students or prospective students regarding the amount or nature of the student's financial obligation to the school or to third parties is an unfair trade practice. Unfair trade practices under this subsection shall include but not be limited to the following:

(a) It is an unfair trade practice to represent in advertising or otherwise that a student may "Train now, pay later" or make similar statements unless such representations actually describe a school policy of deferring the student's obligation until after the completion of training. Such representations may be used only where the school will not collect from the student or from a third party on the student's behalf payments of tuition or fees until the course of instruction has been completed by the student.

(b) It is an unfair trade practice to represent to the student that the student may withdraw from a course of instruction and owe no further payments to the school or a third party unless by the terms of the contract the student's obligations actually are terminated by withdrawal, or to misrepresent in any other manner the cancellation and settlement policy of the school.

(c) It is an unfair trade practice to represent falsely the nature of financial aids which may be available through any source so as to

mislead the student about the amount of repayments, the schedule for repayments, or the source of the financial aids; to obtain any form or document which must be submitted for the purpose of obtaining financial aids if such form or document is signed in blank by the student; or to represent falsely the extent of the financial aids to which a student may be entitled.

(d) It is an unfair trade practice to make any statement or representation or suggest any action on the part of the student which tends to defeat the purpose of the three-business-day cancellation period provided for in chapter EAB 5 or any other "cooling off," cancellation, or affirmation period provided for in federal or state law or regulation.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; cr. (8), Register, November, 1976, No. 251, eff. 12-1-76.

EAB 4.08 Required disclosures. All schools approved by the board must include in all advertisements and promotional material used in the state of Wisconsin:

- (1) The name and location of the school;
- (2) The fact that educational services or vocational training are offered for sale if not apparent from the context;
- (3) The entire cost of such training including fees for tuition, books, supplies, equipment, etc., if any representations are made as to the cost of such training;
- (4) Affirmative disclosure that any endorsements or recommendations are paid testimonials if in fact such testimonials were given for consideration.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

EAB 4.09 Definition of school. Within chapter EAB 4, "school", unless otherwise specified, shall mean the school and its officers, agents, representatives, and solicitors.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.

EAB 4.10 Substantiation of claims. Any school making any material representation of fact must maintain records adequate to substantiate that representation.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73.