

## Chapter REB 2

### APPLICATIONS

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**History:** Chapter REB 2 as it existed on April 30, 1972 was repealed and a new chapter REB 2 was created, Register, April, 1972, No. 196, effective May 1, 1972.

**REB 2.01 Location of office.** The general offices of the board shall be located at Milwaukee, Wisconsin.

**History:** Cr. Register, April, 1972, No. 196, eff. 5-1-72.

**REB 2.02 Applications.** (1) **GENERAL.** (a) *Forms.* Applications for licenses and accompanying documents required by the provisions of chapter 452, Wis. Stats., and the rules of the board shall be made on forms provided by the board and shall be delivered through the mails or otherwise to the board's office.

(b) *Employes prohibited.* Employes of the board are prohibited from preparing any license application, or any part thereof for any applicant. This rule shall not prohibit the taking of acknowledgments in proper cases.

(c) *Complete answers.* No application shall be processed until all questions appearing on the application are fully completed and affirmed or verified.

(d) *Verification.* 1. Individuals or partnerships. All applications for licenses shall be affirmed or verified by the applicant.

2. Corporations. Applications for a license made by a corporation must be verified by the president, except that in the event the president is unable to act and the vice-president has been authorized in his stead, the board may accept the application verified by the vice-president.

(e) *Fees prepaid.* No action shall be taken on any application until the prescribed fees are paid and deposited at the office of the board.

(f) *Previously licensed brokers and salesmen.* No action shall be taken on any new application of an applicant who has previously been licensed by the board, until such applicant furnishes sufficient proof to the board that said applicant has not acted as a salesman or broker since the expiration of his license. The board may in its discretion waive this requirement.

(2) **NEW APPLICATIONS.** (a) *Non-resident brokers and salesmen.* 1. General. No application for a real estate broker's or salesmen's license from any non-resident will be processed prior to receipt by this office of an irrevocable consent to be sued as specified in section 452.14, Wis. Stats.

2. Real estate. New applications for a real estate broker's license from any non-resident of Wisconsin who is a resident of a state

which has a real estate license law shall not be acted upon until such applicant presents proof that he is licensed and maintains an active place of business in the state of his residence or maintains an active place of business in the State of Wisconsin. A mailing address shall not constitute a place of business, for the purpose of this section.

(b) *Minors*. No action shall be taken on any new application for a broker's or salesman's license received from any applicant unless said applicant is a person of the age of 18 years or over.

**History:** Cr. Register, April, 1972, No. 196, eff. 5-1-72; am. (2) (b). Register, July, 1972, No. 199, eff. 8-1-72.

**REB 2.03 Examinations.** (1) **WRITTEN EXAMINATIONS.** Each applicant for a broker's or salesman's license shall be required to read and write a comprehensive examination in English, testing his competency to transact the business of a real estate broker or salesman. The examination shall be in conformity with section 452.05, Wis. Stats., as applicable.

(2) **COMPETENCY.** The grade of 75 or above may be evidence of competency and a grade below 75 shall be proof of incompetency. In addition to a grade of 75, the board may, in its discretion, require further supplemental proof of competency. In all cases, the grade below 75 received on the written examination shall be controlling on the question of incompetency and cannot be supplemented by other proof.

(3) **TRUSTWORTHINESS.** In addition to the written examination, applicants for brokers' or salesman's licenses may be required to answer oral interrogatories relating to their general background and experience, insofar as they bear on the applicant's trustworthiness.

(4) **FAILURE TO PASS.** (a) *General.* No applicant previously denied a broker's or a salesman's license by reason of a determination by the board of incompetency in accordance with section (2) above shall be permitted to apply for or rewrite a similar examination until the expiration of 90 days from the date of the order of denial of said board. Except that if on the first examination taken the applicant is a salesman and the applicant received a grade of 50 or above or if the applicant is a broker and the applicant received a grade of 60 or above and a written request is made for a waiver of the 90 day waiting period the 90 day waiting period may be waived. However, under no circumstances will more than one waiver be given to any applicant.

(b) *Broker.* Nothing herein shall prevent a broker applicant from applying for and writing an examination for the position of salesman.

(c) *Salesman.* An applicant who has been denied a salesman's license by reason of incompetency shall not be permitted to write examination for a broker's license until after the expiration of 90 days from the date of the order of denial of said board of his salesman's license.

(5) **WRITTEN EXAMINATIONS WAIVED.** (a) *Change of salesman's status.* Any salesman who wishes to transfer his employment from one licensed broker to another must, prior thereto, submit in addition to his present salesman's license card, a transfer application accompanied by the usual fee and in addition, thereto, at the dis-

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cretion of the board, attach a written recommendation from his former employer, asserting trustworthiness and competency of such employe. Such transfer application does not require a written examination prior to transfer.

(b) *Change of broker's status.* Individuals already licensed as brokers under this board, either individually, as corporation officers, or as members of a co-partnership or co-partnerships, making application to this board to be licensed as brokers under another title or firm name or another form of organization, must make application in anticipation of a change in their form of organization or name under which they conduct business and the application shall be granted under the new name upon payment of the usual fee without examination, provided said title or trade name does not conflict with any other title or trade name already registered with the board.

(c) *Armed forces.* Individuals previously licensed as salesmen or brokers under this board, but who have not been the holder thereof during the calendar year immediately preceding the date of such application, because of service in the armed forces of the United States of America, must make application to the board to be licensed in their previous capacity, to wit: as a salesman or broker, respectively, within 6 months from the date of discharge or separation of such applicant from active military service and such application shall be granted to such individual upon payment of the usual fee, without written examination, subject to proof of trustworthiness.

**History:** Cr. Register, April, 1972, No. 196, eff. 5-1-72.

**REB 2.04 Renewal of license.** (1) **REAL ESTATE.** Applications for renewal of the license of real estate salesmen or real estate brokers shall be filed with the board on or before August 31 of the current license year. Only applications properly completed, executed and the correct fee prepaid, that are filed or postmarked prior to 12:00 P.M. on August 31, shall be accepted as timely filed. In the event an application for renewal of a real estate salesman's or broker's license for the ensuing calendar year is not timely filed with the board on or before the 31st day of August of each year, but is filed or postmarked before 12:00 P.M. on December 31 of the ensuing calendar year, it shall be accompanied by a late filing fee of \$10 in addition to the required renewal fee.

(2) **UNLICENSED ACTIVITY.** If an application for renewal is not filed with the board on or before December 31 of the current license year, the applicant shall be prohibited from engaging in any of the activities covered by such license until his license is renewed or a new license issued.

(3) **LATE RENEWAL.** The board shall accept renewal applications at any time during the year after the license expired upon payment of the renewal fee and the \$10 penalty.

(4) **WRITTEN EXAMINATION.** The board shall not issue a license to any applicant who has not held a license for a period longer than one year after his last license expired until the applicant passes the required written examination and such applicant shall be considered a new applicant.

(5) **NOTICE.** The board may immediately after August 31, of any

license year, send a notice by certified mail to the last known address of each individual advising said licensee that he has failed to renew his license.

(6) **NEW LICENSEES.** Real estate salesmen and brokers, who receive their first new license after August 31 of any year shall be allowed to file a renewal application up to December 31 of the year in which they received said first new license without being required to pay a late filing fee. If said applicant files a renewal application after December 31 of said year, the late filing fee of \$10, plus the regular license fee must accompany said application.

**History:** Cr. Register, April, 1972, No. 196, eff. 5-1-72.

**REB 2.05 License fees.** (1) **NEW APPLICANTS.** New applicants for a real estate broker's license shall pay an application fee of \$25 for a license for the current year or the remaining portion thereof. New applicants for a real estate salesman's license shall pay an application fee of \$20 for a license for the current year or the remaining portion thereof.

(2) **RENEWAL APPLICANTS.** Renewal applicants for a real estate broker's license for the year 1973 only shall pay a license fee of \$15. For 1974 and subsequent years said fee shall be \$20 per year. Renewal applicants for a real estate salesman's license for the year 1973 only shall pay a license fee of \$10. For 1974 and subsequent years said fee shall be \$15 per year.

**History:** Cr. Register, April, 1972, No. 196, eff. 5-1-72.