

## Chapter EAB 3

## SOLICITORS' PERMITS

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**EAB 3.01 Permit necessary.** No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless he or she first secures a solicitor's permit from the board. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by the solicitor. A solicitor's permit shall be valid for one year from the date issued.

History: Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. Register, September, 1976, No. 249, eff. 10-1-76.

**EAB 3.02 Application for permit (s. 38.51 (8) (b), Stats.) (1) APPLICABILITY OF FEES.** The fees specified in this section shall apply:

(a) For original applications, to applications filed on or after December 1, 1980;

(b) For renewal applications, to applications for renewal of permits which expire on or after July 1, 1987.

(2) **ORIGINAL APPLICATION.** An individual shall apply for a solicitor's permit on forms furnished by the board and shall submit with the forms a \$50 fee and a surety bond acceptable to the board for that solicitor in the sum of \$1,000. The school for which the individual requests a permit shall concur in the individual's application.

(3) **RENEWAL APPLICATIONS.** A solicitor shall apply for renewal of a solicitor's permit on forms furnished by the board and shall submit with the forms a \$50 fee and a surety bond acceptable to the board in the sum of \$1,000 if the solicitor or school has not already furnished a bond for that solicitor which remains in effect. The school for which the individual requested a renewal of a permit shall concur in the individual's application.

Note: Any school which desires to have its representative apply for an original solicitor's permit or for renewal of a solicitor's permit may obtain form EAB 2.01, Application to Solicit Students in Wisconsin for Private Schools, by writing the Educational Approval Board at P.O. Box 7874, Madison, WI 53707-7874, or by telephoning (608) 266-1996.

(4) **APPROVAL REQUIRED.** Before any permit shall be issued to a solicitor, the school to be represented and the courses of instruction to be sold must be approved by the board.

(5) **ISSUANCE.** Where the application requirements set forth above have been met and there is no showing that any of the grounds for refusal

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or revocation as set forth in s. 38.51 (8) (c), Stats., exist, the permit shall be issued.

**History:** Cr. Register, December, 1972, No. 204, eff. 1-1-73; am. (1) and (2), Register, September, 1976, No. 249, eff. 10-1-76; am. (1) and (2), Register, November, 1980, No. 299, eff. 12-1-80; renum. (1) to (4) to be (2) to (5) and am. (2) and (3), cr. (1), Register, May, 1987, No. 377, eff. 7-1-87.

**EAB 3.025 Period for handling applications.** (1) An application for a solicitor's permit shall, for purposes of this section, be considered received if the board has already approved the school and has received the correct fee, the required bond, and a completed application form.

(2) The board shall review and make a determination on an original application for a solicitor's permit within 25 business days after receiving the application.

(3) The time period for handling an application shall end when the board issues a permit or notifies the applicant in writing that the permit has not been issued because the criteria specified by statute, or administrative rule, or both have not been met.

(4) The board's failure to review and make a determination on a permit application within the time period specified in this section does not relieve any person from the obligation to secure a solicitor's permit nor affect in any way the board's authority to interpret the requirements for a permit or to grant or deny a permit.

**History:** Cr. Register, May, 1987, No. 377, eff. 7-1-87

**EAB 3.03 Enrollment agreement.** (1) **INFORMATION REQUIRED.** Every enrollment agreement used by a solicitor to enroll students shall conform to the requirements of the ch. EAB 5.

(2) **COPY TO STUDENT.** Every solicitor shall deliver a copy of the enrollment agreement to each student at the time the agreement is signed.

(3) **CHANGES IN AGREEMENT.** A copy of every enrollment agreement form used by a solicitor shall be furnished by the school to the board 10 days prior to its first use by a solicitor for the enrollment of students.

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

**EAB 3.04 Surety bond.** The surety bond furnished to the board by a solicitor may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his enrollment or as a result of the failure of the school to faithfully perform the agreement made with him by the solicitor, and may be supplied by the solicitor or by the school itself as a blanket bond covering each of its solicitors in the amount of \$1,000.

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

**EAB 3.05 Refusal or revocation of a permit.** (1) **GROUND.** The board may refuse to issue or renew, or may revoke any solicitor's permit upon one or any combination of the grounds set forth in s. 38.51 (8) (c), Stats.

(2) **NOTICE.** Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by certified mail, return receipt requested, to the last address of the applicant or permit holder shown in the records of the board. Revocation of a permit shall be effective 10 days after notice of revocation has been mailed to the permit holder.

(3) **REQUEST FOR APPEARANCE.** Within 20 days of the receipt of notice of the board's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request that he be permitted to appear before the board in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request, the board shall grant a hearing to the applicant or holder of the permit within 30 days, giving him at least 10 days notice of the date, time and place.

(4) **ISSUANCE OR REINSTATEMENT.** The board may, upon hearing and after any further investigation it deems necessary, issue, renew or reinstate a permit which it refused to issue or renew or which it revoked, where it determines that all of the requirements for permit set forth in s. EAB 3.02 have been complied with.

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