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ATCP 127.01(15) "Person" means an individual, corporation, partnership, cooperative association, limited liability company, trust, or other organization or legal entity.

SECTION 3. Subchapter V of chapter ATCP 127 is created to read:

**SUBCHAPTER V**

**TELEPHONE SOLICITATIONS; NO-CALL LIST**

**ATCP 127.80 Definitions.** In this subchapter:

(1) "Basic local exchange service" has the meaning given in s. 196.01(1g), Stats.

(2) "Client" means a person who has a current agreement to receive, from the telephone caller or the person on whose behalf the call is made, property, goods or services of the type promoted by the telephone call.

(3) "Nonresidential telephone customer" means a person, other than a residential customer, who receives telecommunications service from a telecommunications utility.

(4) "No-call list" means a list compiled and distributed according to s. ATCP 127.82.

(5) "Residential telephone customer" means an individual in this state who receives basic local exchange service from a telecommunications utility.

(6) "Telephone call" means a voice communication over any part of the electromagnetic spectrum to customer premises equipment.

**NOTE:** If a telecommunications provider initiates a voice communication with a customer during a telephone conversation between the customer and a third party, the telecommunications provider has initiated a "telephone call" as that term is used in this subchapter.

1 (7) "Telephone line" means a circuit or channel, including a voice grade  
2 equivalent channel, that is derived from a line, cable or digital facility, and that may be  
3 used to make a telephone call.

4 (8) "Telecommunications service" has the meaning given in s. 196.01(9m), Stats.

5 (9) "Telecommunications utility" has the meaning given in s. 196.01(10), Stats.,  
6 and includes an "alternative telecommunication utility" as defined in s. 196.01(1d), Stats.

7 (10) "Telephone solicitation" means an unsolicited telephone call for the purpose  
8 of encouraging the call recipient to buy property, goods or services, or that is part of a  
9 plan or scheme to encourage the call recipient to buy property, goods or services.

10 "Telephone solicitation" does not include any of the following:

11 (a) A telephone call encouraging the call recipient to buy property, goods or  
12 services from a nonprofit organization if all the following apply:

13 1. The nonprofit organization complies with subch. III of ch. 440, Stats., if  
14 applicable.

15 2. Sale proceeds, if any, are exempt from Wisconsin sales tax and federal income  
16 tax.

17 **NOTE:** The definition of "telephone solicitation" applies to phone calls  
18 promoting *sales*, not charity donations. But it may cover charity  
19 solicitations that are really part of a plan or scheme to *sell* property, goods  
20 or services. Subchapter III of ch. 440, Stats., regulates charitable  
21 solicitations.

22  
23 Telephone calls promoting sales by nonprofit organizations are exempt *if*  
24 the sale proceeds are exempt from Wisconsin sales tax and federal income  
25 tax. Section 77.54(7m), Stats., defines the scope of the Wisconsin sales  
26 tax exemption for sales by nonprofit organizations. Federal income tax  
27 laws require an otherwise exempt nonprofit organization to pay income  
28 tax on "unrelated business taxable income" as defined in 26 CFR  
29 1.512(a)-1.  
30

1 (b) A telephone call made by an individual acting on his or her own behalf, and  
2 not as an employee or agent for any other person. This exemption does not apply to a  
3 caller who does any of the following:

4 1. Sells or promotes the sale of property, goods or services for another person.

5 **NOTE:** For example, self-employed insurance agents are not exempt from this  
6 subchapter when they or their employees make telephone calls to promote  
7 the sale of insurance policies offered by insurance companies. But an  
8 insurance company may register under s. ATCP 127.81(1)(b) on behalf of  
9 self-employed insurance agents and their employees who telemarket the  
10 company's insurance.  
11

12 2. Sells or promotes the sale of goods that the caller buys from another person  
13 who controls or limits the caller's sales methods.

14 (c) A telephone call made in response to the call recipient's affirmative request  
15 for that call.

16 **NOTE:** A failure to respond to a negative option ("we will call unless you say  
17 no") is not an "affirmative request" under par. (c).  
18

19 (d) A telephone call made to a current client.

20 **NOTE:** See definition of "client" under sub. (2).  
21

22 (e) A telephone call made to a number listed in the current local business  
23 telephone directory.

24 (f) One telephone call to determine whether a former client mistakenly allowed a  
25 contractual relationship to lapse.

26 (g) A telephone call made to determine a former client's level of satisfaction,  
27 unless the call is part of a plan or scheme to encourage the former client to purchase  
28 property, goods or services.

1           **ATCP 127.81 Telephone solicitors; registration. (1) REGISTRATION**  
2   REQUIRED. (a) No person may employ or contract with any individual to make telephone  
3   solicitations to residential telephone customers unless one of the following applies:

4           1. That person is currently registered with the department under this section.  
5   This registration covers telephone solicitations made by individuals acting as employees  
6   or agents of the registrant.

7           2. The telephone solicitations are covered by a registration under par. (b).

8           (b) A person who sells property, goods or services may register under this section  
9   on behalf of a person who employs or contracts with individuals to make telephone  
10   solicitations promoting the purchase of property, goods or services from the registrant.  
11   This registration covers telephone solicitations that those individuals make for that  
12   purpose. It does not cover telephone solicitations promoting the purchase of property,  
13   goods or services from persons other than the registrant.

14           **NOTE:** For example, an insurance company may register under par. (b) on behalf  
15           of a self-employed insurance agent whose employees telemarket that  
16           company's insurance. But that registration does not cover the agent's  
17           employees when they telemarket another company's insurance.  
18

19           (c) No individual may make a telephone solicitation to a residential telephone  
20   customer unless the telephone solicitation is covered by a registration under this section.

21           **(2) ANNUAL REGISTRATION.** To register under this section, a person shall  
22   complete an annual registration form provided by the department. The registrant shall  
23   file, with the registration form, the annual fees required under sub. (3). The registration  
24   form shall include all the following:

25           (a) The registrant's correct legal name, and all trade names under which the  
26   registrant does business.

1 (b) The registrant's principal business address and telephone number. The  
2 business address shall include street address, zip code, state or province, and nation.

3 (c) The registrant's federal tax identification (FEIN) number.

4 (d) The name and address of the registrant's registered agent in this state, if any.

5 (e) The name and address of a person who will accept service of process on  
6 behalf of the registrant, if other than a registered agent under par. (d).

7 (f) The name, address and telephone number of a person who may respond, on  
8 behalf of the registrant, to department notices and inquiries.

9 (g) The number of telephone lines that will be used to make telephone  
10 solicitations under the registration.

11 (h) The telephone number assigned to each telephone line counted under par. (g).

12 (i) The number of individuals who will make telephone solicitations under the  
13 registration. The registrant shall provide the names of the individuals if the department  
14 requests those names. A person who registers under sub. (1)(b) on behalf of another  
15 person shall identify that other person.

16 (j) A statement indicating the form in which the registrant wishes to receive no-  
17 call lists. A registrant may receive no-call lists in one or more of the following forms:

18 1. By e-mail transmission to one or more e-mail addresses provided by the  
19 registrant. Each e-mail address shall be that of the registrant, or a person covered by the  
20 registration.

21 2. As a compact disc, mailed to one or more addresses provided by the registrant.  
22 Each address shall be that of the registrant, or a person covered by the registration. The  
23 registrant shall specify the number of compact discs to be included in each mailing.

1           3. In hard-copy printed form, mailed to one or more addresses provided by the  
2 registrant. Each address shall be that of the registrant, or a person covered by the  
3 registration. The registrant shall specify the number of hard-copy lists to be included in  
4 each mailing.

5           (3) FEES. A person registering under sub. (2) shall pay the following annual  
6 fees, or an annual fee of \$20,000, whichever is less:

7           (a) A basic annual registration fee of \$700 for the first year of registration, and  
8 \$500 for each subsequent year.

9           (b) A supplementary annual fee of \$75 for each telephone line identified under  
10 sub. (2)(g). This fee does not apply if the registrant identifies fewer than 4 telephone  
11 lines under sub. (2)(g).

12           (c) A supplementary annual fee of \$25 for each e-mail address identified under  
13 sub. (2)(j)1. This fee does not apply if the registrant identifies only one e-mail address  
14 under sub. (2)(j)1.

15           (d) A supplementary annual fee of \$25 for each address identified under sub.  
16 (2)(j)2. If the registrant asks the department to send more than one annual set of compact  
17 discs to any address, the registrant shall pay an additional fee of \$25 for each additional  
18 set of discs sent to that address.

19           (e) A supplementary annual fee of \$1,000 for each address identified under sub.  
20 (2)(j)3. If the registrant asks the department to send more than one annual set of hard-  
21 copy lists to any address, the registrant shall pay an additional fee of \$1,000 for each  
22 additional set of hard-copy lists sent to that address.

23           **NOTE:** An "annual set" under pars. (d) and (e) consists of the 4 quarterly list  
24 updates under s. 127.82(5).

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(4) REGISTRATION EXPIRES. A registration under this section expires on

November 30 of each year.

(5) FEE REDUCTIONS. The department may reduce the annual fees charged to registrants under sub. (3) if the department's projected fiscal-year-end cash balance in the appropriation under s. 20.115(8)(jm), Stats., exceeds the department's projected fiscal year expenditures from that appropriation during that fiscal year by at least 15%. Fee reductions, if any, are subject to the following conditions:

(a) A fee reduction shall be a percentage reduction in the total fee that a registrant would otherwise pay under sub. (3). All registrants shall receive the same percentage fee reduction.

(b) The department may offer one fee reduction per registration year. The fee reduction, if any, applies to the entire registration year beginning December 1. By November 1 of each calendar year, the department shall notify all current registrants of any fee reduction that will take effect for the registration year beginning December 1 of that calendar year.

(6) UPDATED INFORMATION. A registrant shall do all the following whenever there is a material change in the information provided under sub. (2) during a registration year:

(a) Notify the department of the change.

(b) Pay any additional fees owed for that registration year as a result of the change.

**ATCP 127.82 No-call list. (1) COMPILING THE LIST.** The department shall compile a no-call list containing the telephone numbers and ZIP codes of residential

1 telephone customers who indicate, according to sub. (3), that they do not wish to receive  
2 telephone solicitations.

3 (2) SOLICITATIONS PROHIBITED. No person may make a telephone solicitation,  
4 either directly or through an employee or agent, to a residential customer whose  
5 telephone number appears on the current no-call list.

6 (3) INDIVIDUALS INCLUDED ON THE LIST. (a) A residential telephone customer or  
7 the customer's caregiver may contact the department to have the customer included on  
8 the no-call list. The residential telephone customer or caregiver shall give the department  
9 all the following information:

10 1. The customer's telephone number including area code.

11 2. The customer's postal ZIP code.

12 3. The customer's name and address, if requested by the department. The  
13 department may not include the customer's name or address on the no-call list.

14 4. The caregiver's name and address, if a caregiver contacts the department on  
15 behalf of the customer. The department may not include the caregiver's name or address  
16 on the no-call list.

17 **NOTE:** The department will publish a telephone number and website address that  
18 residential telephone customers may contact to sign up for the no-call list.  
19 The no-call list will include only the customer's telephone number and  
20 ZIP code.

21  
22 (b) No person, other than a residential telephone customer or the customer's  
23 caregiver, may ask the department to include the customer on the no-call list.

24 (4) DISTRIBUTING THE LIST. The department shall distribute the no-call list to  
25 each person who is currently registered with the department under s. ATCP 127.81. The  
26 department shall distribute the no-call list to the addresses, and in the manner, specified

1 by the registrant under s. ATCP 127.81(2)(j). A no-call list takes effect on the date  
2 specified by the department. The effective date shall be not sooner than 10 business days  
3 after the department distributes the list.

4 (5) UPDATING THE LIST. The department shall compile and distribute an updated  
5 no-call list every 3 months. The department shall distribute each updated list in the  
6 manner provided under sub. (4). An updated list takes effect on the date specified by the  
7 department. The effective date shall be not sooner than 10 business days after the  
8 department distributes the list.

9 (6) LIST DELETIONS AND RENEWALS. The department shall delete a residential  
10 telephone customer from the no-call list 2 years after that customer last applied for  
11 listing. The customer or the customer's caregiver may renew the customer's listing at  
12 any time, in the manner provided for an original listing under sub. (3).

13 (7) NO RE-DISTRIBUTION BY LIST RECIPIENTS. A person who receives a no-call list  
14 may not distribute any part of that list to another person, except that a current registrant  
15 under s. ATCP 127.81 may redistribute the list to persons covered by that registration.

16 (8) LIST NOT OPEN TO PUBLIC INSPECTION. (a) The department may not release a  
17 no-call list, or any information collected under sub. (3), except that:

18 1. The department may release a no-call list to a person currently registered under  
19 s. 127.81, or to persons covered by that registration, as provided in this section.

20 2. The department may release a no-call list as necessary to enforce this  
21 subchapter, or to comply with a subpoena or judicial process, subject to any protective  
22 orders that may be necessary to ensure the confidentiality of the list.

1           3. The department may release a no-call list to the federal trade commission or  
2 other federal agency maintaining a national no-call list.

3           **NOTE:** See s. 100.52(2)(c), Stats.

4           **127.83 Telephone solicitation practices.** (1) Persons making telephone  
5 solicitations shall comply with applicable requirements in subchapter II.

6           (2) No person may do any of the following:

7           (a) Make a telephone solicitation in violation of s. ATCP 127.81 or 127.82.

8           (b) Use an electronically prerecorded message in a telephone solicitation to a  
9 residential or nonresidential telephone customer without the prior consent of that  
10 telephone customer.

11           **NOTE:** See also ss. 100.52(1) and 134.72, Stats. Paragraph (b) does not limit the  
12 application of those statutes.

13           (c) Make a telephone solicitation to a nonresidential telephone customer if the  
14 nonresidential telephone customer has notified the person by mail that the nonresidential  
15 telephone customer does not wish to receive telephone solicitations.

16           (d) Require, instruct or authorize any person to violate this subchapter, or  
17 facilitate any person's violation of this subchapter.

18           (e) Use caller-ID blocking when making a telephone solicitation.

19           (f) Falsify any information required under this subchapter.

20           (3) A person making a telephone solicitation to a residential telephone customer  
21 shall give the call recipient, at the call recipient's request, the number of the registration  
22 under s. ATCP 127.81 that covers the telephone solicitation.

23           (4) A person making a telephone solicitation to a nonresidential telephone  
24 customer shall give the call recipient, at the call recipient's request, a mailing address to  
25

1 which the nonresidential telephone customer may mail a notice under sub. (2)(c). The  
2 person shall provide the mailing address within 10 days after the call recipient requests it.

3 **127.84 Record keeping.** Persons who employ or contract individuals to make  
4 telephone solicitations shall comply with record keeping and record production  
5 requirements applicable to sellers under s. ATCP 127.18.

6 **EFFECTIVE DATE.** This rule shall take effect on the first day of the month  
7 following publication in the Wisconsin administrative register, as provided in s.  
8 227.22(2)(intro.), Stats.

9

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
James E. Harsdorf, Secretary

**FISCAL ESTIMATE**

DOA-2048 N(R 10/98)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

List both LRB No. and Bill/Adm. Rule No. ATCP 127
Amendment No. (If Applicable)

**Subject**  
Telemarketing

**Fiscal Effect**

State:  No State Fiscal Effect  
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget       Yes       No  
 Decrease Costs

**Local:**  No local government costs

1.  Increase Costs  
      Permissive       Mandatory  
 2.  Decrease Costs  
      Permissive       Mandatory

3.  Increase Revenues  
      Permissive       Mandatory  
 4.  Decrease Revenues  
      Permissive       Mandatory

5. Types of Local Governmental Unit Affected:  
 Towns       Villages       Cities  
 Counties       Others \_\_\_\_\_  
 School Districts       WTCS Districts

**Fund Source Affected**

- GPR       FED       PRO       PRS       SEG       SEG-S

Affected Ch. 20 Appropriations  
20.115(8)(jm)

**Assumptions Used in Arriving at Fiscal Estimate**

This rule creates a telemarketing "no-call" program, as directed by the Legislature. DATCP is adding this rule to DATCP's current telemarketing rules under ch. ATCP 127, Wis. Adm. Code. The legislation, passed as part of the budget bill, creates Section 100.52 of the Wisconsin Statutes which directs DATCP to develop systems to register residential customers who do not wish to be called by telemarketers and, register telemarketers who wish to solicit Wisconsin residents. It also requires DATCP to investigate and seek penalties against violators most of whom are located outside of Wisconsin.

Currently, department rules, Chapter ATCP 127, Wis. Admin. Code, enacted in August 1999 prohibits a telemarketer from soliciting a consumer who has asked the telemarketer to place them on a "do not call" list. The rules also require a telemarketer to maintain systems for ensuring consumers on this list are not called. Under these new rules, DATCP will create a list and registered telemarketers will combine this list into their systems.

Based on experience, the Department projects that a majority of Wisconsin households will register under this new law. Other states of equal population report nearly one million households are registered on their lists.

The Department assumes consumer registration will be made available through a toll-free telephone system as well as on-line forms. Because of the magnitude of the project, the Department sought bids from outside sources. The lowest bid for this project has first year costs of \$266,000 and ongoing costs averaging \$187,000 annually.

The Department estimates a workload of 5,000 hours annually to intake and process consumer complaints and administer the contracts with the vendor to create and distribute the lists. To accomplish this, the Department will require 3.0 positions.

Complaints regarding telemarketing will double to approximately 1000 per year. The Department estimates 100 complaints per year will require assignment to investigative staff for detailed investigation. Typically, these investigations will involve multiple victims and multiple jurisdictions. The Department will require 2.0 FTE investigators for enforcement activities. The Department estimates the additional annual workload to oversee and administer the program and enforce the law will also require 0.5 FTE consumer complaint supervisor.

Based on these assumptions, the department estimates there will be a one-time cost of \$53,400. First year costs are estimated to be \$593,900. In subsequent years annual costs are estimated at \$527,900.

The Department is authorized to set initial registration fees to generate the funding necessary to create the list and

renewal fees necessary to administer this program. The Department is proposing an initial registration fee of \$700 plus a supplemental fee of \$75 per each phone line if a business uses more than 3 lines to telemarket. The Department proposes a renewal fee of \$500 plus a supplemental fee of \$75 per each phone line if a business uses more than 3 lines to telemarket. The department also proposes a cap of \$20,000 on the total fee for any one business.

The Department assumes 375 (62%) telemarketers to register in year one, which will generate \$467,200. An additional 225 new registrations as well as renewals in year two will generate \$612,900. Year three will stabilize at 600 renewals and generate \$583,100.

The proposed rule allows the department to reduce registration fees if the projected fiscal year end cash balance exceeds projected expenditures by 15%.

**Long - Range Fiscal Implications**

Registration fees paid by telemarketing firms will offset the annual cost. The Department assumes the annual renewal to generate \$583,100 to offset estimated costs of \$527,900. If these estimates generate a small surplus, the Department may reduce registration fees on an annual basis.

<p>Agency/prepared by: (Name &amp; Phone No.) Jim Rabbitt            608/224-4965 DATCP</p>	<p>Authorized Signature/Telephone No. <i>Barbara Knapp</i> Barb Knapp (608) 224-4746</p>	<p>Date 6/24/02</p>
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**FISCAL ESTIMATE WORKSHEET**

2002 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL

UPDATED

LRB or Bill No./Adm. Rule No.

Amendment No.

DOA-2047 (R10/94)

CORRECTED

SUPPLEMENTAL

ATCP 127

Subject: Telemarketing Solicitation No Call List

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

\$53,400

Computers, office setup.

II. Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$ 247,800	
(FTE Position Changes)	5.5	(- FTE)
State Operations - Other Costs	\$280,000	
Local Assistance		
Aids to Individuals and Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$ 527,800</b>	
<b>B. State Costs by Source of Funds</b>	Increased Costs	Decreased Costs
GPR		
FED		
PRO/PRS	\$527,800	
SEG/SEG-S		
<b>III. State Revenues</b>	Increased Rev.	Decreased Rev.
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes		
GPR Earned		
FED		
PRO/PRS	\$583,100	
SEG/SEG-S		
<b>TOTAL State Revenues</b>		

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS

\$527,800

NET CHANGE IN REVENUES

\$583,100

Agency/Prepared by: (Name & Phone No.)

DATCP Jim Rabbitt 224-4965

Authorized Signature/Telephone No.

*Barbara Knapp*  
224-4746

Date

6/24/02

# Wisconsin Department of Agriculture, Trade and Consumer Protection

## Final Regulatory Flexibility Analysis

**Rule Subject:** Telemarketing "No Call" List  
**Adm. Code Reference:** ATCP 127  
**Rules Clearinghouse #:** 02-036  
**DATCP Docket #:** 01-R-07

### Rule Description

This rule regulates "telephone solicitations" to persons located in this state, regardless of where the calls originate. This rule requires telemarketers to register annually with DATCP. Registered telemarketers will be provided a list that is compiled by DATCP containing the telephone numbers of consumers who do not want to be solicited by telephone. Telemarketers will be prohibited from soliciting by phone any consumer who is on the "no call" list.

### "Telephone Solicitations" Covered

This rule regulates "telephone solicitations" to persons located in this state, regardless of where the calls originate. A "telephone solicitation" means an unsolicited telephone call for the purpose of encouraging the call recipient to buy property, goods or services, or that is part of a plan or scheme to encourage the call recipient to buy property, goods or services. "Telephone solicitation" does not include any of the following:

- A telephone call encouraging the call recipient to buy property, goods or services from a nonprofit organization if sales proceeds are not subject to Wisconsin sales tax or federal income tax.
- A telephone call, made by an individual acting on his or her own behalf, and not as an employee or agent for another person.
- A telephone call made in response to the call recipient's request for that call.
- A telephone call made to a current client of the person selling the property, goods or services promoted by the telephone call.
- A telephone call made to a number listed in the current local business telephone directory.

### Telemarketers Must Register

This rule requires telemarketers to register annually with DATCP. A registration expires on November 30 of each year. Under this rule:

- In hard-copy printed form, mailed to an address provided by the registrant.

### **Telemarketer Registration Fees**

A telemarketer registering with DATCP must pay either \$20,000 per year, or the following annual fees whichever is less:

- A basic annual registration fee of \$700 for the first year of registration, and \$500 for each year thereafter.
- A supplementary fee for each telephone line used by the registrant (or the registrant's employees or individual agents) to make telephone solicitations. The fee amount is \$75 per telephone line if the registrant (and the registrant's employees and agents) use more than 3 lines.
- A supplementary fee of \$25 for each e-mail address to which the registrant would like DATCP to send the "no-call" list (if more than one e-mail address).
- A supplementary fee of \$25 for each additional copy of the list which the registrant would like DATCP to send in compact disc form.
- A supplementary fee of \$1,000 for each address to which the registrant would like DATCP to send the "no-call" list in hard-copy print form.

### **Distributing the List**

- DATCP must distribute the "no-call" list to each telemarketer who is currently registered with DATCP. DATCP must distribute the list in the manner specified by the registrant (assuming that the registrant pays the required fees for that method of delivery). A "no-call" list takes effect on a date specified by DATCP, not sooner than 10 business days after DATCP distributes the list.

### **Updating the List**

- DATCP must compile and distribute an updated "no-call" list every 3 months. DATCP must distribute updated lists in the same manner as the initial list. DATCP must delete a residential telephone customer from the "no-call" list 2 years after that customer last signed up for inclusion on the list. A customer may renew at any time.

### **Telemarketer Records**

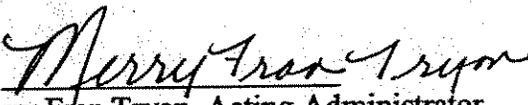
- Under current DATCP telemarketing rules, telemarketers must keep certain records for at least 2 years and must make those records available to DATCP upon request. Among other things, a telemarketer must keep records related to individuals who make telephone solicitations as employees or contractors of the telemarketer, including names, addresses, telephone numbers, job titles, and fictitious names if any (no two individuals may use the same fictitious name).
- This rule requires telemarketers to comply with current record keeping requirements.

## Conclusion

This rule will have a minor impact on small business. Small business will have one-time costs to upgrade existing systems to accept the lists and combine them with current lists. The long term impact of not telemarketing persons who do not wish to be telemarketed is expected to be minor. This rule will have the long term cost of annual fees for registration. The department has taken reasonable steps to share the costs of the program equitably among those who are regulated.

Dated this 9<sup>th</sup> day of July, 2002

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By   
Merry Fran Tryon, Acting Administrator,  
Division of Trade and Consumer Protection

# *Appendix A*

## **Summary of Hearing Comments**

### **Proposed Telemarketing “No-Call” Rule Ch. ATCP 127, Wis. Adm. Code**

#### **Overview**

DATCP held 12 public hearings to solicit comments and opinions from affected consumers and businesses. DATCP held these listening sessions in Madison, Eau Claire, Green Bay, Milwaukee, Wausau, and LaCrosse. 134 people registered at the hearings with 75 presenting oral comments. DATCP also received written and electronic comments from 157 persons and groups, including two legislators and two sheriff deputies.

52 participants opposed the rules. 91 participants supported the rules and asked the Department to grant no exemptions from the rules. 133 participants voiced partial support, partial opposition, or sought exemptions. 15 other participants sought changes without registering support or opposition.

AARP, representing 800,000 Wisconsin members, spoke at hearings in every city. AARP stated that their studies show senior consumers suffer \$40 billion loss to telemarketing fraud annually and asked for no exemptions to the rules.

85 representatives of Edward Jones, an investment firm, submitted written requests for exemptions for their industry. 32 additional independent insurance and financial services representatives either opposed or asked for exemption for their industry. The funeral industry submitted mixed comments both for and against.

#### **Comments Opposing Rule; General**

Persons opposing the rule had the following general comments:

- Consumers are adults and should say no to telemarketers.
- Two people said consumers should turn off their telephone when they do not wish to receive telephone calls.
- Consumers should simply write to any company from whom they do not want to receive calls.
- Current law should provide sufficient protection by allowing a call recipient to be placed on the individual telemarketer’s no call list.
- There is currently a voluntary national list administered by the Direct Marketing Association.

## Comments Supporting Rule; General

Persons supporting the rule had the following general comments:

- Consumers said that the purpose of the rule is to give them ownership of their telephone.
- Several said they do not want to halt all calls, just unsolicited sales calls.
- Numerous consumers testified that this rule is about the privacy of their home and their ability to control what happens inside their home.
- Consumers said that the telephone is a communications tool, and should not be controlled by commercial interests. One commenter said that the telephone is not the electronic front door to his home.
- Consumers said there are simply too many telemarketers to inform one at a time, and said this list should inform all covered telephone solicitors at one time.
- Senator Erpenbach said the national Direct Marketers Association list is voluntary for use by members of the Association, has been in effect for many years without correcting the telemarketing problem, and is not enforced by any enforcement agency.
- AARP's general comments are in support of the rule, and asking the department to grant no exemptions other than those mandated by the underlying statute.
- Several senior citizen representatives commented about the value of the telephone to senior citizens in helping them to maintain independence, and as such, cannot be turned off or ignored.
- Several consumers said they pay for the phone service into their homes for their benefit, not to provide an inexpensive method for sellers to contact them when they do not wish to be shopping.
- Consumers also said business has television, radio, and print to inform potential customers about their product.
- Consumers spoke about the inconvenience caused by rushing to answer a call. One said there is potential danger for elderly persons trying to rush to the telephone or when the recipient is in a precarious position such as on a ladder.
- One consumer said that, unlike other media, the telephone interrupts what you are doing and you have to answer it before you can say no. One commenter spoke of the difficulty for disabled people to get to the phone before they can even answer. Another talked of the difficulty of answering a call with a TTY telephone.
- Consumers discussed other solutions such as "Privacy Manager", a screening program offered by one of the telephone companies. Consumers report that the system requires you to list the numbers of people from whom you will accept calls, and requires your friends and family to navigate the system before their call can be connected.
- Many consumers object to any attempt that will make them pay to stop telemarketers from calling.

- One person spoke of a disabled family member who was especially prone to agreeing to purchase from telemarketers. He also testified that he is not able to tell all of the potential sellers to put his number on their do-not-call lists, so he spends a great deal of time undoing the contracts made between a person who is not able to comprehend the agreement and a telemarketer.
- One person asked why the state could not create a special telephone number prefix for telephone solicitors, like a 900# and then allow consumers to block call from that prefix.

### **Businesses Seeking Exemptions; General**

Many businesses that solicit by telephone asked for exemptions. Businesses made the following general comments (see industry-specific comments below).

- Nearly every consumer that commented opposed additional exemptions. General statements were that all unsolicited calls are equally distracting and disturbing to their privacy. One consumer said the overriding right to peace and privacy should trump any business "need".
- One commenter said that the rule does not apply to business telephones listed in the current local business directory, and asked the department to consider other directories such as Internet directories.
- One commenter also asked for an exemption for a call that does not reach the "intended call recipient".
- Businesses asked for clarification when multiple users share one telephone line.
- AARP, representing 800,000 Wisconsin members testified against any exemptions, including any exemptions for AARP.
- Two County Sheriff deputies, one of whom specializes in crimes against the elderly, commented in support of rules with no additional exemptions. Both discussed fake charities and urged narrow exemptions, if any.

### **Insurance and Financial Services**

12 insurance and financial planners commented in opposition to the rules. An additional 108 representatives testified that their industry should be exempt.

- Many independent insurance agents (those who do not have exclusive contracts to represent only one insurer) said there are extensive regulations enforced by the Office of the Commissioner of Insurance (OCI) that govern them. No insurance representative, when asked, could reference an OCI no-call type regulation. One senior citizen said all business is regulated by multiple agencies for different purposes and, as long as the laws don't conflict, there is no reason to not be regulated.

- Numerous financial advisors testified about the value of their industry to the future of their customers. Many commented about the importance of their local roots and contacts with potential customers in their communities. Many financial advisors objected to their telephone calls being classified as telemarketing calls since they do not complete the sale over the telephone. Among those commenting were 85 representatives of Edward Jones Company who each operate small, local investment offices.
- Many independent insurance agents also commented on the level of training and professionalism they are expected to maintain. AARP commented about senior citizens who have been sold annuities that tie up their money for 15 years or more.
- Many agents also commented on the effect on society if consumers are underinsured and unprepared for retirement because agents are not permitted to solicit by telephone. Most agents testified that consumers are not likely to purchase insurance without prompting by an agent. AARP and numerous consumers said any exemption would weaken the effect of the rules, which is intended to stop unwanted telephone solicitations.
- The department also received comments from several insurers that have dedicated agents (those who sell solely their line of products). Those who commented do not oppose the rules. They asked that they be allowed to register their agents under one corporate blanket. They also provided information about the cost to them under the fee structure and asked the Department to consider a fee cap or different fee formula.

## **Funeral Homes and Funeral Planners**

Some funeral industry representatives favored the rule, while others opposed it.

- The Funeral Service Alliance, advance funeral planners representing approximately 60 funeral service providers, said they have extensive regulations under which they are allowed to solicit by telephone. Under Wisconsin Statutes, Section 445 and Wisconsin Administrative Codes, Chapter FD 6 and INS 23, sellers, operating under the authority of a licensed funeral director, may contact prospective clients by telephone to make an appointment for a face-to-face meeting under the following conditions. A written notice must be mailed no less than 10 days before a telephone call is made to the consumer. The card must offer the consumer a way to notify the funeral planner that they do not wish to be called. No contacts may be made to consumers in nursing facilities, hospitals, or anywhere that death is imminent. The person who will conduct the face-to-face meeting must make the call. Approximately 1% of consumers receiving the mailing opt out before the telephone call is made.
- The Funeral Service Alliance also presented a survey taken of customers. They testified that of the 437 respondents to their survey, 84% did not find the telephone solicitation from a funeral planner intrusive, and that 76% of those surveyed responded that funeral services should be exempt from the law.
- The Wisconsin Funeral Directors Association, representing 468 funeral homes, did not ask for an industry exemption. They instead asked the department to ensure that nonprofit funeral societies and church owned cemeteries that sell caskets, urns burial vaults in direct competition with for profits not be given exemption.

- Consumers testified that the pre-mailing from a funeral service provider is treated like junk mail and is rarely read. AARP questioned whether or not people need to be telemarketed before they realize they need to prepare for their funeral.

### **Appointment Setting**

- Most insurance and financial advisors said their calls are not made to complete the sale over the telephone. They are made to set an appointment to complete the transaction face-to-face as required by Office of the Commissioner of Insurance regulations. Many testified that adding the words “or that is a part of a plan or scheme” to the statutory definition of telephone solicitation is an expansion of the authority given by the statute. Senator Erpenbach, the author of the statute testified that the rule language does not expand his stated intent.
- Consumers said the unwanted effect of an “appointment setting” solicitation is no different than the effect of any other telephone solicitation. Consumers also commented about appointment setting calls that result in high pressure in-home sales calls.

### **Sole Proprietors; Exemption**

- A number of commenters stated that the definition relating to a person who hires or contracts with an individual to make telephone solicitations is vague and incomplete. Consumers asked that any exemption based on proprietorship be removed from the rule. Several small independent businesses said they often use support staff, who are primarily hired to do other work, to call to set appointments.
- AARP asked the department to ensure that the definition remains as narrow as possible and does not exempt businesses that are contracted to solicit as part of a larger organization. Consumers asked the department to be mindful that the goal of the rule is to curtail unwanted telephone solicitations.
- The department was asked to define “contracts” as it relates to an agent who has a contract to sell goods or services for a provider who exercises minimal control over the method the agent uses to contact consumers.

### **Nonprofit Organizations; Exemption**

- AARP as well as individual consumers commented against exempting nonprofit organizations from the requirements of the rule. Commenters said that calls from nonprofits organizations are as disruptive as calls from for-profit businesses. Consumers asked how they will know if a company is truly nonprofit. Others commented that often nonprofit organizations are engaged in selling products in direct competition with for-profit businesses.
- The Wisconsin Funeral Directors Association asked the department to ensure that where a nonprofit organizations, such as a church or cemetery association, is selling in direct competition, that activity should not be exempt from the rules.

- One consumer said many of the local charitable organizations he has been associated with have been asked to allow a telemarketer to market product under the organization's name. The organization has no other connection with the telemarketer other than to receive payments for use of their organization's name. The consumer asked the department to ensure that these telemarketing arrangements do not qualify for an exemption for nonprofit activities.

### **Calls Based on Referrals**

- Several insurance agents said part of their business is based on referrals from current clients, and asked for an exemption for calls that are based on referrals. Consumers said referral calls are just as troublesome as other cold calls. One commenter said the agent can mail information and receive the consumer's permission to call.

### **Current Clients**

- Several businesses requested that the exemption for "current client" be expanded or clarified. Some businesses said it is not always clear when a customer with a subscription or other ongoing relationship ceases to be a current client or may simply have forgotten to send in a renewal payment. The insurance industry is required to extend their coverage into a "grace period" if renewal payment is not received before expiration of the term.
- Long distance telephone companies said they would like a 12-month "win back" period after a customer switches to another carrier.
- A newspaper said they would like to call home delivery customers under the current client exemption to offer advertising in their newspaper.
- Several businesses asked that the language be changed to allow calls to a customer with whom the business has had a prior or historic relationship.
- Consumers testified that they expect to receive calls only from business with which their relationship is current and that the call should be about the type of product or service that they currently buy from the business. Consumers asked that past relationships not be considered.

### **"Safe Harbor" for Accidental Calls**

- Two long distance telephone companies asked that the department codify a safe harbor for telephone solicitors who make an accidental call to a listed consumer.
- One long distance company also asked the department to require by rule criteria to trigger enforcement action for a particular violation.

## **Disclosure**

- Telemarketers said the requirement that the telemarketer's registration number be given to the consumer upon demand is excessively regulatory in a multi-state operation.
- Consumers said getting the company and telemarketer names leads to confusion about spelling and location.
- Enforcement staff said the registration number will be more precise in locating an offending telemarketer.

## **List Distribution**

- Several telemarketers said 10 days is not sufficient time to distribute the list and incorporate it into their calling lists. One asked that a telemarketing campaign in-progress be allowed to run its' course without being "scrubbed" with the no call list. Others said 30 days is needed to put the list into their systems.
- Consumers said the list can be e-mailed to many locations in a matter of minutes and no more time should be allowed. Consumers also commented generally that placing your name on the list and waiting for 90 days before it reaches its quarterly distribution date is enough time.
- The department suggests amending the rule to give 10 working days to implement the list. This will allow 14 calendar days and is standard practice for other business requirements.

## **List Confidentiality**

- Several small businesses and list production companies said the rules should allow a 3<sup>rd</sup> party vender access a client's no call list for the purpose of eliminating numbers from the call list.
- One list production company asked for a provision allowing non-telemarketers to receive the no call list in order to "scrub" his customer list that he, in turn, sells to businesses.
- One consumer expressed concern about the confidentiality of the list once it is provided to other entities. For example, the Federal Government, which is not governed by Wisconsin law, may be required to release the list under open records law. The consumer requested a provision that will allow release of the list only to those who can ensure continued confidentiality.

## **List Accuracy**

- Telemarketers testified that the accuracy of the list is critical to their ability to successfully use it. Telemarketers said 10% of telephone numbers change annually and suggested that the department subscribe to a "move and disconnect" service from the telephone company to keep the list current. Other telemarketers suggested that the department should allow consumers to remove their name from the list should they choose to do so.

- Two list production companies said the list should contain names and addresses in order for them to confirm the accuracy of the matches with their lists. Another said names are not necessary, addresses are needed to ensure accuracy. Consumers countered that they are concerned that the information will be used to place them on mail solicitation lists.

## **Registration**

- One business said the department lacks the authority to require registration before employing or contracting a person to make telephone solicitations. The statute says no person may require an individual to make telephone solicitations unless the person is registered.
- One large credit card firm said the amount of information required from them in order to register is excessive. The rule requires their business name(s), addresses, their registered agent or other person who can accept legal process in Wisconsin, the count of telephone lines used by the registrant and their employees and contractors, the telephone numbers assigned to those lines. The names of individuals who make telephone solicitations must be provided on request by the department.
- Several commenters said they understand the rule to require registration when a company contracts with another company to telemarketer on their behalf. The rule requires the person who employs or contracts with an "individual" to make a telephone solicitation to be the registrant. Under the rule, "individual" means the human being who actually talks on the telephone and makes the solicitation. The person, corporate or other structure that employs or contracts that individual must be registered. The department does not anticipate multiple duplicative levels of registration.

## **Fees**

- Many telemarketers said the fees are excessive. Several commenters from the insurance and financial services industry said that the cost of the list should be borne by consumers who receive the benefit of no solicitations.
- One business estimated that the department may raise as much as \$96 million using the current fee structure. Estimates of the number of registrants were placed as high as 15,000 at \$100 per line. Several large companies with multiple lines that may be used to telemarket in Wisconsin for brief periods of time asked for a cap on the registration fee.
- Businesses said that identifying the phone numbers and employees is a burdensome requirement.
- Local businesses whose telephone soliciting is limited asked that the per-line fees be eliminated or reduced to as low as \$5.00.

## **Definition of "Lines"**

- One telemarketer commented his company uses multiple T1 lines, which are 24 channel telephone lines, and asked for clarification of the meaning "lines".

- Several telemarketers said, while they may employ as many as 5,000 telemarketers, they cannot dedicate certain lines to any one state. Others testified that their system might use all of their telemarketers to call into Wisconsin for a short time before moving through their list of potential customers into another state. One asked for a registration fee clarification that would reflect that Wisconsin is one-fiftieth of the United States and typically uses one-fiftieth of their resources. Others presented similar formulas based on regional, rather than nation-wide, operations.
- The department is concerned that using such a formula will lead to a complicated fee structure requiring audit and constant reporting to determine appropriate fees.
- Businesses asked for clarification about which lines would be counted as telephone solicitation lines. Some businesses said they may have numerous telephone lines for general business use and only a select few that are used for outbound solicitation calls.

### **Other Costs**

- Many independent insurance agents said they will need to check the list before every call adding to the cost of compliance.
- The Wisconsin Newspapers Association said small newspaper publishers often hire local people to solicit by telephone from their homes. Because of the limited geographic area they serve, these solicitors use the telephone book and dial manually. The cost of the printed list is excessive for their use. The commenter asked if the Association could register and purchase the printed list for their members.

### **Recordkeeping**

- Several insurance providers said the reference in the no call subchapter requiring compliance with subchapter II of the existing rule, which does not exercise jurisdiction over insurance and banks, is an expansion of the existing rule.

### **Penalties**

- Several commenters said the penalties should be increased so they would not simply become the cost of doing business. The penalties are mandated by the underlying statute, and the department takes no action on this suggestion.

### **Consumer Registration**

- Consumers said they would appreciate a notice when their listing is about to expire.
- Several telemarketers said the rule should allow a consumer to remove their number from the list prior to the two year expiration of their listing.

## **Persons who submitted comments on the hearing draft rules**

The following people submitted comments about the hearing draft rule.

## **Persons who commented in opposition to the hearing draft rules.**

Andy Williams	L. Mardstrom, CATS Enterprises LLC/Telemarketer
Arnie Fremstad, Wisconsin Association of Insurance and Financial Advisors	Lawrence A. Wanek, MetLife
Chris Nelsen	Lois Ann Gould, Helke Funeral Home
Christine Jacob, Krause Funeral Home and Funeral Service Alliance of Wisconsin	Mark A. Leonard, Wisconsin Professional Insurance Agents Association
Dan Dickman, Dickman Family Funeral Homes	Mark Krause, Krause Funeral Homes and Funeral Service Alliance of Wisconsin
Dan McNeely, Dan McNeely Insurance	Mark LaFollette, Wisconsin Association of Insurance and Financial Advisors
David Welsh	Mick Bennett, Charlton
David Welsh, Advanced Planning, Inc.	Mike McNamel, Sidex
Dennis D. Handrow, Equitable Securities Corp.	Patrick Flynn
Dennis W. Gordon,	Ray Carey, American Express
Dennis W. Gordon, Telemarketer	Rick Stockhammer
Doug Dengel, Western Wisconsin Association of Insurance and Financial Advisors	Robert Hofmeister, Investment representative
Edward Degeneffe, Degeneffe Financial Group	Rodney P. Ryan, Independent Insurance Agents of Wisconsin
Flossie Nordstrom, CATS Enterprises, LLC.	Roger Krause
Gregg Gromacki	Ronald Van Haden, Professional Insurance Agents of Wisconsin
James Eichstedt, Professional Insurance Agents of Wisconsin	Sandra George, Wisconsin Newspaper Association
Jered McMahon, MetLife Financial Services	Sandy Schams
Jim Spellman	Shawn R. Williams, Insurance Agent
Joe Campana, The LegalEase Group/Telemarketer	Steve Lange, Individual
Joe Schinkten, Ryan Funeral Home	Steven Moore, MetLife
John Dragisic, Charlton	Tammy Bain
Kim Koepp	Thomas A. Harrison, Professional Insurance Agents of Wisconsin
	Vic Shier, Equity Enterprises

## **Person who commented in favor of the hearing draft rules.**

Al Harhay	Bob Adams
Allan Gross	Bruce Duckworth, Individual
Amelia Martin, Individual	Carol A. Krause, Individual
Ann Szczepanski	Carol Francis
Arnold Krubsack, Individual	Carolyn Lindeman

Casimir Jarocki  
Charles Coon  
Charles Weeth  
Chris Ellis, Individual  
David Hanson, Individual  
Dawn Kabot, Individual  
Deputy Jack Mzozinski  
Diane Denissen, Individual  
Dick Sturm  
Doloris Reppert  
Don Jones, Individual  
Don Mills  
Edmond L. Smith, Individual  
Edward MacDonald  
Elizabeth Stolte  
Esther Stephens, The Swiss Colony  
Francis Drake, Individual  
Frank H. Laundrie, Individual  
Gary J. Kunesh  
Gary Mohr  
Glenda C. Walker  
Gloria Mills  
Greta Hutchison  
Howard Loemans  
Jack Mortensen, Individual  
James Bogdan  
James M. Madison, Individual  
Janet Adams  
Jason Childress, Special Olympics  
Jason Kay, AARP  
Jerry Krogman  
John Bilderback  
John Jankoviell  
Judith Szczepanski  
Judy Klippel  
Julie Laundrie  
Ken Hurwitz  
Kenneth R. Laurent  
Kenneth Reith  
Kent Rusch, Wisconsin Funeral Directors  
Association  
Kevin Sheehan  
Lawrence D. Delfosse

Leroy L. Kuczynski  
Lori Grapentine, Individual  
Lorraine E. Bummert  
Louise Todd, AARP  
Mark Paget, Wisconsin Funeral Directors  
Association  
Mary Ann D. & Frederick R. Funk,  
Individual  
Mary E. Joanis, Individual  
Mel Hoffman  
Michael J. Hutchison  
Mike & Karen Brynd, Individual  
Mike Brady, Individual  
Mike Nichols  
Mike Schoenherr  
Mike Taylor, TMC Research  
Neil MacIntyre  
Pat Jansen, Individual  
Patricia D. Zingen, Individual  
Patricia Finder-Stone, AARP  
Pete Heesakker, Individual  
Peter Andrzejczak  
Ray Knippel  
Richard Berling, Exec. Dir., MARC  
Richard Johnson  
Rita Feeney  
Robert B. Reppert  
Robert Lux, Individual  
Robert Polzin  
Robert Schender  
Roland Solberg, AARP  
Roy Simon  
Senator John Erpenbach,  
Seth Blackman  
Steve Smith  
Susan Michetti, Individual  
Tamara Sandoval, Brown County  
Association of Retarded Citizens  
Theresa O'Neil  
Tom Evans, Individual  
Wally Reek, AARP  
William L. Oemichen, Individual

**Persons who commented partially in favor and partially opposed to the hearing draft rules.**

Adam Vande Slunt, Edward Jones  
Arick Hendrickson, Wisconsin Funeral  
Directors Association  
Ben Durfee, Edward Jones  
Ben Reeves, Edward Jones  
Bob Ebben, Edward Jones  
Bob Knudtson, Edward Jones  
Bob O'Brien, Edward Jones  
Brad Heiting, Edward Jones  
Brad Linn, Lenmark Gomsrud Funeral  
Home  
Brad McDowell, Edward Jones  
Brian Elliot, Securities Industry Association  
Brian P. Martin, Edward Jones  
Bruce Duckworth, Individual  
Candace Franco, Cress Funeral Service  
Carl Kustief, Edward Jones  
Carolyn Schultz, Home mortgage consultant  
Chad M. Winklepleck, Edward Jones  
Charles B. Warriner, Edward Jones  
Charles H. Kuhtz III, Edward Jones  
Charles R. Kranzusch, Valley Insurance  
Associates, Inc.  
Chris L. Thelen, Edward Jones  
Chris Ostrand, Wisconsin Association of  
Insurance and Financial Advisors  
Corbin Parins, Spring Green Lawn  
Cory Roupe  
Craig A. Lotz, Edward Jones  
Dane H. Hopfensperger, Edward Jones  
Daniel E. Maus, Edward Jones  
Darrell J. Duval, Edward Jones  
Dave Swanson, Wisconsin Association of  
Insurance and Financial Advisors  
David A. Hussong, Wisconsin Association  
of Insurance and Financial Advisors  
David Schams, Western Wisconsin  
Association of Insurance and Financial  
Advisors  
Debra Terrill, Edward Jones  
Denise L. Halverson, Edward Jones  
Denny Dragolovich, Edward Jones

Detective Sergeant Jon Kindlarski, Vilas  
County Sheriff Department  
Don Theis, Edward Jones  
Donald S. Cleasby, National Association of  
Independent Insurers  
Doug Holmes, Edward Jones  
Douglas K. De Vries, Edward Jones  
Douglas W. Jones, Edward Jones  
Ed Steck, Edward Jones  
Eric Englund, Wisconsin Insurance Alliance  
Eric J. Peterson, Edward Jones  
Frank Scotello, Edward Jones  
George S. Allbee, Edward Jones  
Glen A. Hartsough, Edward Jones  
Glenn Lemmenes, Edward Jones  
Gregory T. McPherson, Edward Jones  
Harry J. Argue, Wisconsin Bankers  
Association  
Homer Braden, Edward Jones  
James E. Thom, Edward Jones  
Jeff Hohn, Edward Jones  
Jeff Scott, Edward Jones  
Jeffrey A. Prebish, Edward Jones  
Jeffrey J. Kleczka, Prosser Kleczka Funeral  
Home  
Jennifer L. Roham, Aid Association for  
Lutherans  
Jerry H. Bisinger, Edward Jones  
Jim Dhney, Gary Vincent and Associates  
Jim Gehring, Edward Jones  
Joe Mueting, Edward Jones  
Joe Perry, FHK  
John Clifton, Edward Jones  
John Stoflet, Edward Jones  
John T. Donaldson, Edward Jones  
Jonathan M. Wojciechowski, Edward Jones  
Joseph R. Hinke, Edward Jones  
Ken Wirtz  
Kent L. Knutson, Edward Jones  
Kip R. Wenninger, Edward Jones  
Lee C. Fanshaw, American Family  
Insurance  
Lee P. Meyerhofer, State Representative

Lois Ann Gould, Helke Funeral Home & Cremation Service  
 Mark R. Neitzel, Edward Jones  
 Mark W. Kvernen, Edward Jones  
 Markus J. Ladd, Edward Jones  
 Mary J. Christianson, Edward Jones  
 Mary Lou Charapath  
 Michael E. Harenza, Edward Jones  
 Michael M. Mustas, Edward Jones  
 Michael Y. O'Brien, Edward Jones  
 Mike Schultz, Edward Jones  
 Mitchell "Mickey" J. Marcque  
 Nick Jensen, Edward Jones  
 Pat Durden, Edward Jones  
 Patrick Fucik, Sprint  
 Paul C. Voigt  
 Paul D. Benrud, Edward Jones  
 Paul F. Baumgartner  
 Paul Gottshall, Edward Jones  
 Paul M. Stranz, MBNA America Bank, N.A.  
 Pete Thomas, Edward Jones  
 Pete Vanden Bush, Edward Jones  
 Peter McCorkell, Counsel, Wells Fargo  
 Philip Sprecher, Madison Association of Insurance and Financial Advisors  
 Randall Borgwardt  
 Ray J. Riordan, WI State Telecommunications Assn. Inc.  
 ReAnn Holmes, Edward Jones  
 Rick A. Seavert, Edward Jones  
 Rob Waterman, Edward Jones  
 Robert P. Koebele, Investment & Financial planning industry  
 Robert Procter, Independent Insurance Agents of Wisconsin  
 Roger W. Rich, Edward Jones  
 Ron Ducharme, Edward Jones

Ron Kuehn, Professional Insurance Agents of Wisconsin, Independent Insurance Agents of Wisconsin, Wisconsin Association of Insurance and Financial Advisors  
 Ron Schmaling, Edward Jones  
 Ryan P. Schmid, Edward Jones  
 Sandy Phillips, Edward Jones  
 Scott A. O'Brien, Edward Jones  
 Scott Muschinske, Edward Jones  
 Scott R. Bowman, Edward Jones  
 Scott R. Steinhorst, Edward Jones  
 Shawn R. Fischer  
 Stacey L. Whiteman, Edward Jones  
 Steve Haugen, Better Living Home Improvement Co.  
 Steve J. Anderson, Edward Jones  
 Steve Millin, Edward Jones  
 Steve Powers, Edward Jones  
 Steve Thompson, Edward Jones  
 Steven J. Lois, Edward Jones  
 Steven R. Beck, Counsel, Ameritech  
 Susan McKay, Cress Funeral Services  
 Susan Spear, MCI Worldcom  
 Ted Eisenbacher, Edward Jones  
 Terry A. Krumenuver, Edward Jones  
 Tim Borota, Edward Jones  
 Timothy Fenner, Independent Insurance Agents of Wisconsin, Inc.  
 Tom Anderson, Edward Jones  
 Tom Manning, State Farm Insurance  
 Wayne L. Kosbau, National Mutual Benefit  
 William Bonacorda  
 William R. Cress, Cress Funeral Services  
 Win Nash, Edward Jones  
 Zack Butler, Edward Jones

**Persons who took no position to the hearing draft rules or asked for exemption.**

Brad Linn, Lenmark Gomsrud Funeral Home  
 Charles Buswell, Buswell Funeral Home

Daniel R. Fose, Cress Funeral & Cremation Service  
 Debra DeVoe, Strong Investments, Inc.

Debra Gabriel, Pfeffer Funeral Home;  
Christianson & Deja Funeral Home;  
Klein & Stangel Funeral Home  
Elizabeth Heitzmann, Novak-Ramm-Ziegler  
Funeral Home  
Gwen Withaus, Strong Investments, Inc.

Joe Smith, Kjentvet & Smith Funeral Home  
Luke Aitken, Telemarketer  
Mark Golden , Golden Funeral Home  
Michael E. Kane, Lyndahl Funeral Homes  
Mike Modjeski, JenseModjeski Funeral  
Home