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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-101

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. RL 17.02 (5), it is recommended that “under ch. 452” be inserted following the first “licensed.”

b. Consideration should be given to amending s. RL 17.03 (2) to reflect that an unlicensed personal assistant, as authorized under new s. RL 17.12, may in fact be a “licensed person” as referred to in s. RL 17.03 (2). [See the definition of “unlicensed personal assistant” in s. RL 17.02 (5).] Further, since s. RL 17.03 generally deals with limitations on broker-employees and real estate salespersons, a general cross-reference in the section to s. RL 17.12 may be appropriate. Similarly, the Note to s. RL 17.12 (2) should refer to s. RL 17.03.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. It appears implicit in s. RL 17.12 (1) that before a real estate salesperson or broker-employee may employ an unlicensed personal assistant, he or she must enter into a written agreement with his or her broker-employer. It is suggested that the provision be worded to expressly state the requirement.

b. Section RL 17.12 (2) may be worded too narrowly. The department’s analysis refers to an unlicensed personal assistant “conducting” an open house. Subsection (2) refers to “assisting” a licensee at an open house. Perhaps reference to “conducting or participating in” an open house is more consistent with the intent.