

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History: Chapter REB 2 as it existed on April 30, 1972 was repealed and a new chapter REB 2 was created, Register, April, 1972, No. 196, effective May 1, 1972.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

Note: The general offices of the board are located at 1400 E. Washington Ave., Madison, 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) **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 discretion 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.

(5) ORAL EXAMINATION. (a) Upon filing the application in proper form, and paying the proper fee pursuant to sections 452.05 and 452.06, Wis. Stats., an applicant may be given an oral exam pursuant to section 452.05 (2) (b) of the Wisconsin Statutes provided that the applicant shall produce a statement by a duly licensed Wisconsin physician on a form to be prescribed by the board which certifies that:

1. The applicant has been examined by said physician within 30 days of the date of said application; and

2. The applicant is unable to fairly compete in a written examination because of a physical handicap that impairs the applicant's ability to write.

(b) The board shall pass upon each request for an oral examination and shall grant it unless good cause is shown why it should be denied. If denied, the board shall advise the applicant in writing of the reasons for said denial. The applicant may appeal the denial.

(c) If the application for oral examination is granted, the applicant shall be notified in writing of the time and place for said examination.

(d) The contents of the oral examination shall be determined by the board and shall be substantially equivalent to the contents of the written examination.

(e) The oral examination shall be conducted by a member of the board or a member of the staff designated by the board.

(f) The questions and answers shall be taken in shorthand or on tape and preserved as confidential records of the board. The applicant and/or his representative shall, upon a showing of good cause, have access to the applicant's records.

(g) The board members or a member of the staff shall review the transcript of said examination and shall determine upon standards set by the board whether an applicant is competent to receive a real estate license. Competency shall be based on a grade of 75 or above. The provisions of REB 2.03 (2) (3) (4) of the Administrative Code as well as the provisions of section 452.05 (2) Wis. Stats. shall be controlling in determining the standards of competency.

(h) Copies of the examination or the transcript shall not be available for inspection by anyone except that the board shall, upon a showing of good cause, authorize only the applicant or his representative to review the transcript. In the event the applicant is blind the board may authorize another person to accompany the applicant provided said person is not a potential applicant or instructor in real estate.

History: Cr. Register, April, 1972, No. 196. 5-1-72; r. (4) renum. (5) to be (4), Register, November, 1974, No. 227, eff. 12-1-74. emerg. cr. (5), eff. 5-1-75; cr. (5), Register, June, 1975, No. 234, eff. 7-1-75.

REB 2.035 Review of examinations. (1) An applicant who has received a failing grade and has been denied a license may review his or her examination pursuant to section 452.05 (2) (a) Wis. Stats. as provided herein:

(a) All reviews shall be given at the place or places determined by the Wisconsin real estate examining board.

(b) Applicant shall request review in writing within 30 days after date of notification of right to review and of failure on an examination.

(c) Applicant shall be notified at least 10 days prior to the review of the date and time of said review.

(d) For the review, the applicant shall be provided with applicant's examination, the answer sheet and the key to the examination.

(e) The examination shall be reviewed by the applicant only. Applicant shall not take any notes nor remove any portions of the examination or related materials from the review room.

(f) No portion of the examination or related papers may be copied, nor may applicant write on any part of the examination or answer sheet.

(g) Each applicant shall be allowed one hour for review of the examination.

(h) Applicant shall not be permitted to bring any material or items such as pencils, pens, rulers, tape recorders, calculators, calendars or other mechanical devices to the review. Necessary writing materials shall be provided by the board.

(i) The applicant may, at time of review, indicate objections to specific questions. Said objections must be presented at time of review and will subsequently be reviewed by the board or board staff. If the board determines that the objections are meritorious, applicant will be advised of the board's position on said objection.

(j) If the applicant fails to appear at the scheduled time and date for the review, applicant must submit a new request in writing. Applicant shall then be rescheduled for the next designated review date.

(k) Applicant will not be permitted to review examination given more than 5 months prior to request.

(l) Applicant will only be permitted to review one examination at each review period.

(m) All reviews shall be conducted and supervised by a member or members of the board's staff.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

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

Register, December, 1976, No. 252