

Chapter DFI-Sec 35

GENERAL PROVISIONS

DFI-Sec 35.01 Fees.
DFI-Sec 35.03 Injunctions.

DFI-Sec 35.04 Files and records.

History: Emergency rules covering general subject matter were adopted effective July 1, 1972. Chapter SEC 35 was renumbered chapter DFI-Sec 35 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1996, No. 492.

DFI-Sec 35.01 Fees. The following fees, prescribed for examination of various matters arising under ch. 553, Stats., are chargeable to the applicant or registrant and are payable, unless otherwise provided by the division, at the time the application or notice is filed:

- (1) (a) Application for order of exemption under s. 553.25, Stats.\$200.
- (b) Application for opinion confirming a registration exemption or an exclusion from a definition.....\$500.
- (c) Application for issuance of an interpretive opinion under ch. 553, Stats.\$500.
- (d) Application for amendment of a registration statement under s. 553.31, Stats.\$200.
- (2) Preparation of computer-generated lists:
- (a) Preparation of a list from agency computer database\$25 per 75 pages of printed report.
- (b) Creation of a computer program for the purpose of preparing a report..... \$20.
- (3) Issuance of a certificate under s. 553.75 (4), Stats., relating to the existence or non-existence of documents or entries on file or contained in the records of the division's office..... \$50.00 plus \$1 per page for copies included with the certificate.
- (5) Per copy cost of 2008 Franchise Registration and Disclosure Guidelines adopted on June 6, 2008 by the North American Securities Administrators Association and Related Documents....\$20.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1) (a) and (b), (2) (a), cr. (1) (d) and (e), Register, December, 1980, No. 300, eff. 1-1-81; cr. (3) and (4), Register, December, 1982, No. 324, eff. 1-1-83; renum. (1) (b) to (e) to be (1) (c) to (f), cr. (1) (b) and (g), Register, December, 1984, No. 348, eff. 1-1-85; am. (1) (a) and (c), Register, December, 1985, No. 360, eff. 1-1-86; am. (2) (a) and (b), Register, December, 1986, No. 372, eff. 1-1-87; r. and recr. (1) to (3), Register, December,

1988, No. 396, eff. 1-1-89; cr. (5), Register, December, 1989, No. 408, eff. 1-1-90; reprinted to correct error in (4), Register, December, 1990, No. 420; cr. (1) (h) and (6), r. and recr. (3), Register, December, 1991, No. 432, eff. 1-1-92; r. (1) (b), (e), (f), (h) (5), renum. (1) (c), (d), (g) to be (1) (b), (c), (d) and (6) to be (5), r. and recr. (2), Register, December, 1996, No. 492; r. (4), Register, April, 1998, No. 508, eff. 5-1-98; CR 08-077: am. (5) Register December 2008 No. 636, eff. 1-1-09.

DFI-Sec 35.03 Injunctions. In any injunctive proceeding under s. 553.54, Stats., the division may petition the court to order rescission of any sale or purchase of franchises determined to be in violation of ch. 553, Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

DFI-Sec 35.04 Files and records. (1) Except as otherwise provided by law or as specified in sub. (2), any record or document in the division's possession or control of which the division is the legal custodian, may be inspected or copied by any person during regular business hours.

(2) The following records may be excluded from disclosure under this section if the division finds the public interest in nondisclosure outweighs the benefits of open access:

- (a) Personnel files of office employees, former employees and job applicants;
- (b) Communications with legal counsel;
- (c) Records obtained under a pledge or reasonable expectation of confidentiality;
- (d) Memoranda and work papers of employees, the division or the deputy division prepared with the reasonable expectation of confidentiality;
- (e) A record that is part of a current investigation that may result in administrative, legal or criminal action or which relates to any such pending action.

(f) A record whose disclosure would unduly damage a person's reputation so as to outweigh the public interest in disclosure.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. Register, December, 1988, No. 396, eff. 1-1-89.