

## Chapter SPS 128

### EDUCATIONAL PROGRAM

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**Note:** Chapter RL 128 was renumbered chapter SPS 128 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 128.01 Authority.** This chapter is adopted pursuant to ss. 227.11 (2) and 480.08 (6), Stats.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96.

**SPS 128.015 Definitions.** In this chapter:

(1) “Distance education” means the provision of educational programs or courses without an instructor or a representative of an approved school physically present with the students. “Distance education” includes the delivery of educational programs and courses on CD-ROM, videotape, computer disk, or the internet.

(2) “Hour” means a period of 50 minutes of actual instruction.

(3) “Program provider” means a provider of either a program or a course or both.

**History:** CR 02-030: cr. Register September 2002 No. 561, eff. 10-1-02.

**SPS 128.02 Education requirements prior to first renewal.** (1) Except as provided in s. SPS 128.06, every registered auctioneer applying to renew a registration shall complete at least 12 hours in an educational program, except that a registered auctioneer who is initially registered less than 6 months prior to the first renewal date shall complete the educational program prior to the date for the second renewal of the registration under s. 440.08 (2), Stats.

(3) A registered auctioneer may attend approved courses of one or more program providers in order to complete the courses which are part of the educational program.

(4) A registered auctioneer who acts as an instructor of an approved educational program or course shall receive credit toward satisfaction of the registered auctioneer’s educational requirement. An instructor shall receive one hour of credit for each 50 minutes of instruction. The registered auctioneer may not receive credit for teaching a specific course more than one time during any biennium.

(5) The department may grant an extension of time for completion of the educational program by a registered auctioneer and the registered auctioneer may obtain a renewal registration for the extension period granted for one of the following:

(a) Health reasons which prevented attendance at the educational program or course.

(b) Active duty in the military service with assignment to a duty station outside Wisconsin.

(6) The department may either require a registered auctioneer to certify on a renewal application form that he or she has met the educational requirements when applying for renewal of the registration or the department may require a registered auctioneer to submit a certificate of completion which a registered auctioneer received from a program provider pursuant to s. SPS 128.05. The

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department shall deny the renewal application until the certificate or certification is provided.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96; CR 02-030: am. (1) and (4), r. (2), Register September 2002 No. 561, eff. 10-1-02; correction in (1), (6) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 128.03 Courses; examinations.** (1) COURSES. The educational program shall consist of 12 hours, which shall include:

(a) Three hours in the Wisconsin laws relating to auctioneer ethical and professional conduct.

(b) Nine hours in topics pertinent to the practice of auctioneering that shall be approved by the department biennially, which may include a 7 hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course approved by the Appraiser Qualifications Board (aqb) of the Appraisal Foundation for a person who holds credentials under both chs. 480 and 458, Stats.

(2) EXAMINATIONS. A program provider shall give a written examination subsequent to the completion of instruction of each course. A registered auctioneer, except a registered auctioneer who teaches a course, shall pass the examination in order to successfully complete the course. The examination shall consist of at least 5 multiple-choice questions for each hour of instruction. The program provider shall design the examination so that a person who is competent to protect the public when practicing as an auctioneer would achieve a score of 70% or more. A registered auctioneer who fails to achieve a passing score on an examination shall be permitted to retake the examination within a reasonable time as determined by the program provider. A registered auctioneer who twice fails an examination shall not be credited with having completed the course and is required to retake the course.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96; CR 02-030: r. and recr. Register September 2002 No. 561, eff. 10-1-02; CR 06-014: am. (1) (intro.), (a) and (b), r. (1) (c) and (d) Register September 2006 No. 609, eff. 10-1-06; CR 11-029: am. (1) (b) Register January 2012 No. 673, eff. 2-1-12.

**SPS 128.04 Approval of educational programs; courses and instructors.** (1) A program provider seeking initial approval from the department of an educational program or a course shall submit its application on a form provided by the department prior to the first date the program or course is offered. The program provider shall include a designation of the courses to be provided, the name and outline of the courses, the name and qualifications of the instructors, and the time segments of the courses. The department shall notify the provider whether the program or course has been approved or denied within 20 business days from the date the application is received. The department shall approve an educational program or course if the program provider submits to the department the information required by this subsection and agrees to comply with the provisions in subs. (2) to (6).

**Note:** Applications for educational program and course approval are available from the Department of Safety and Professional Services, Office of Education and Examinations, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366 or from the department’s website at: <http://dsps.wi.gov>.

**(1m)** A program provider seeking the approval of a continuing education program or course that will be presented as distance education shall comply with sub. (1) and shall, additionally, describe to the department how the program provider will do all of the following:

(a) Ensure that instructors approved by the department under sub. (6) are available to the students at reasonable times and by reasonable means.

(b) Provide a reasonable level of examination security for the examination given at the end of each distance education continuing education course.

(c) Sufficiently cover the subjects specified for continuing education courses.

(d) Provide reasonable oversight to ensure that the students who take the examination are the enrolled students.

(e) Provide a reasonable opportunity for student self-evaluation of mastery.

**Note:** Applications for educational program and course approval are available from the Department of Safety and Professional Services, Office of Education and Examinations, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366 or from the department's website at <http://dps.wi.gov>.

**(2)** The educational program and courses shall be available to all registered auctioneers regardless of membership in any organization.

**(3)** Program providers shall agree to monitor attendance at the beginning and end of each course and to furnish each participant an individual certificate of completion. Program providers shall retain copies of attendance records and evidence of completion of the courses by registered auctioneers for at least 5 years from the date the courses were presented.

**(4)** Program providers shall agree to distribute course evaluation survey forms to registered auctioneers who attend the courses offered by the providers. Program providers shall retain the originals of the completed forms for at least 12 months after the date of completion of the course and, upon request from the department, make them available to the department.

**(6)** Course instructors shall be approved by the department. An instructor whose auctioneer registration has been limited, suspended or revoked in Wisconsin or any other jurisdiction may not instruct in approved courses while the disciplinary action is in effect. An approved instructor shall possess at least one of the following qualifications:

(a) Be an auctioneer who is currently practicing auctioneering, and who has engaged in such practice for at least 5 years.

(b) Be an attorney who is engaged in the field of auctioneering-related law.

(c) Be an appraiser who is approved by the AQB of the Appraisal Foundation to provide a 7 hour national USPAP update course.

(d) Be an instructor in a course approved under s. SPS 128.04 (1) and be a person, in good standing in the jurisdiction in which he or she is credentialed, with at least 5 years of education and experience in the subject matter of the approved course.

**Note:** Applications for approval of instructors are available from the Department of Safety and Professional Services, Office of Education and Examinations, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708-8366 or from the department's website at: <http://dps.wi.gov>.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96; CR 02-030: am. (1), cr. (1m), r. (5), Register September 2002 No. 561, eff. 10-1-02; CR 11-029: cr. (6) (c) Register January 2012 No. 673, eff. 2-1-12; CR 13-056: am. (6) (a), cr. (6) (d) Register August 2014 No. 704, eff. 9-1-14.

### SPS 128.05 Certification of completion of courses.

**(1) COMPLETION REQUIREMENTS.** A registered auctioneer shall attend all the required hours before the program provider may give a certificate of completion to the registered auctioneer.

**(2) CERTIFICATION OF COMPLETION.** Program providers shall provide an individual certificate of completion to all registered auctioneers upon satisfactory completion of courses.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96.

### SPS 128.06 Education examination. (1) The department shall conduct an education examination. A registered auctioneer may take the education examination conducted by the department in lieu of the educational program set forth in s. SPS 128.03. A registered auctioneer who passes the education examination shall not be required to complete the educational program.

**(2)** The education examination shall cover the courses required for the educational program approved by the department under s. SPS 128.03, and shall have no less than 5 questions for each hour of instruction in the approved education program or courses.

**(3)** The department shall permit a registered auctioneer to retake the education examination one time. If the registrant fails the examination a second time, the registrant shall attend an approved educational program or courses.

**(4)** The department shall require a minimum passing score of 70 on the education examination.

**(5)** The department shall permit registrants who take the education examination to review the examination and the examination results, as provided in s. SPS 122.06.

**(6)** Passing the examination for original registration as an auctioneer under s. 480.10, Stats., does not satisfy the requirements under this section.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96; correction in (1), (2), (5) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.