

Chapter RL 22

APPRENTICES

RL 22.01 Apprentices

RL 22.01 Apprentices. (1) REQUIREMENTS. No broker shall employ any person to engage in the real estate business within the meaning of ss. 452.01, 452.14 and 452.09 (5), Stats., unless and until said individual has received an appropriate license from the department.

(a) Only persons who are a resident of this state, 18 years of age or over, may apply for an apprentice license.

(b) Any person desiring to act as an apprentice real estate salesperson shall file with the department an application for a license. Said application shall be in such form as the department prescribes and in accordance with ss. 452.09 and 452.10, Stats.

(c) Each applicant for an apprentice salesperson's license shall be required to write and pass a preliminary examination covering general knowledge which shall, among other things, include a knowledge and ability to read and write the English language, a knowledge of arithmetic, and general knowledge of the terminology used in the real estate business and a thorough knowledge of the rules governing apprentices.

(d) Any applicant for an apprentice salesperson's license who can furnish proof to the department of having graduated from an accredited high school may not be required to write the examination as set forth in par. (c) above.

(e) An applicant for an apprentice license must be indentured to a licensed real estate broker of this department in good standing, which broker has agreed, in writing, to said indenture agreement according to the rules of the department before the application for said apprentice license will be accepted by the department.

(2) **NUMBER.** Only one apprentice shall be employed for each individual holding a broker's license including corporate officer broker's license unless said broker shall employ full time salesperson in which case an additional apprentice shall be allowed for each 5 full time salespersons employed but in no case will an individual, partnership or corporate broker be allowed to employ more than 3 apprentice salespersons.

(3) **FEE.** Each application for apprentice license shall be accompanied by a fee of \$10.

(4) **PERIOD.** An apprentice license or licenses shall not be granted for a period to exceed one year from the date of issuance by the department and shall not be renewable.

(5) **SURRENDER.** An apprentice who has qualified for a salesperson's or broker's license shall surrender said apprentice license to his or her sponsoring broker before a salesperson's or broker's license shall be issued.

(6) **TERMINATION.** An apprentice who shall leave the employ of the sponsoring broker for any reason shall surrender said apprentice license

to said broker immediately upon the termination of said apprenticeship by the apprentice, the broker or the department.

(7) SCOPE OF EMPLOYMENT. (a) An apprentice shall not at any time be allowed to close a real estate sale.

(b) An apprentice shall not be allowed to advertise in the news-paper, telephone, signs or by any other means, nor shall the broker be allowed to advertise the name of the apprentice in any manner.

(c) The apprentice may use business cards, but said cards shall clearly state "Apprentice Salesperson" in type as large as the type used for the apprentice's name.

(d) The apprentice, at no time, shall be paid a portion of a commission based upon sales or on listings secured nor shall he or she be allowed to be paid on a percentage basis for any other services performed.

(e) The apprentice shall be paid on an hourly basis only and said rate of pay shall be included in the apprenticeship contract.

(f) Said apprentice shall spend a minimum of 20 hours work each week; said 20 hours to be spent in no less than 3 days each week, performing apprenticeship duties.

(g) A minimum of 6 hours of said 20 hours shall be spent pursuing a course of study of real estate laws, regulations and procedures.

(h) Enrollment in a real estate course at a school recognized by the department shall meet the requirement of a course of study for a maximum of 4 hours per week.

(i) Further study for the apprentice shall be conducted by the broker or by an instructor hired by the broker and approved in writing by the department.

(j) During the first 6 months of said apprenticeship, the apprentice shall not be allowed to secure listing contracts, offers to purchase or any other contracts except if accompanied by a fully licensed real estate salesperson or broker.

(k) During the first month of said apprenticeship, the apprentice shall not be allowed to negotiate with the public, but shall spend the apprenticeship time becoming acquainted with the operation of the real estate office.

(1) After the first month, the apprentice may handle open houses and rentals, but may not draft or negotiate offers to purchase or earnest money receipts.

(m) After 6 months of apprenticeship, the apprentice may secure listing contracts, provided said listing contracts are reviewed and approved by the broker within 24 hours after they are secured and further provided said listing contracts contain the following clause:

"This listing contract has been secured by an apprentice salesperson and shall not be binding upon either party until approved by the broker. If the broker does not notify the seller that he or she is not approving this listing contract within 2 days from the date of this contract, then this contract shall be binding upon both parties.

Approved this _____ day of _____, 19 ____.

Broker

(n) The apprentice shall not execute or have executed any rental agreement until the broker shall have approved said rental agreement on the face of said contract.

(8) **BROKER'S DUTIES.** (a) The broker shall at all times be responsible for the acts of said apprentice salesperson and shall properly supervise said apprentice.

(b) The broker shall make available suitable instructions and a course of study for said apprentice, including real estate procedures, real estate law, office procedures and sales techniques.

(c) The broker shall pay said apprentice an hourly rate of pay which shall not be less than \$1 per hour.

(d) The broker shall prepare and have executed an apprenticeship contract which shall include the rate of pay, the hours to be spent by the apprentice, the instructions or course of study that will be offered to the apprentice and a schedule of commissions paid after apprentice has obtained a salesperson's license. A copy of said contract shall be filed with the department.

(e) The broker may include in said apprenticeship contract, reasonable employment requirements after termination of said apprenticeship, but in no case, shall said employment right extend beyond 2 years after the termination of the year's apprenticeship.

(f) The broker will furnish the apprentice with a written copy of the rules of the office.

(9) **APPRENTICES' DUTIES.** (a) The apprentice shall punctually attend all courses of instruction offered by the broker or by schools he or she shall attend unless excused for reasonable cause by the broker.

(b) The apprentice shall obey all office rules of the broker and also special rules set forth in the apprentice contract.

(c) The apprentice shall not engage in any real estate activities outside of the scope of his or her apprenticeship employment.

(d) The apprentice shall be punctual on all appointments and shall fully inform his or her broker concerning all of his or her activities.

(e) The apprentice shall keep and maintain in the broker's office, a log book entering therein the date, activity and hours spent each day while working on said apprenticeship, including time spent at school or attending a course of instruction. The entries on each page of said log shall be thoroughly reviewed and initialed by the broker.

(10) **GENERAL.** (a) An apprenticeship contract may be canceled on the mutual consent of both parties.

(b) Upon informal written complaint filed with the department by either the broker or apprentice, the board may hold a formal or informal hearing to review an apprentice license or apprenticeship program.

(c) The department may suspend or revoke an apprentice license if the apprentice has violated any of the rules of apprenticeship, statutes or rules of the department.

(d) The department may suspend or revoke a broker's license if the broker has violated any of the apprenticeship rules, statutes or rules of the department.

(e) A broker may at any time cancel an apprenticeship contract for just cause provided the broker furnishes the apprentice with a written statement within 5 days of the cancellation setting forth in detail the reasons for the cancellation of the apprenticeship contract.

History: Cr. Register, April, 1972, No. 196, eff. 5-1-72; am. (1) (d), Register, July, 1972, No. 199, eff. 8-1-72; am. (1) (a), Register, July, 1976, No. 247, eff. 8-1-76; renum. from REB 13.01 and am. Register, February, 1983, No. 326, eff. 3-1-83.