

Chapter REEB 12

APPLICATIONS

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Note: Chapter REB 2 as it existed on April 30, 1972 was repealed and a new chapter REB 2 was created, Register, April, 1972, No. 196, effective May 1, 1972. Renumbered to be chapter RL 12, effective March 1, 1983. Chapter RL 12 was renumbered chapter REEB 12 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

REEB 12.005 Authority. The rules in this chapter are adopted pursuant to ss. 227.11 (2), 440.05, 440.06, 440.07, 440.08, 452.07, 452.09, 452.10, 452.11 and 452.12, Stats.

History: Cr. Register, July, 1998, No. 511, eff. 8–1–98.

REEB 12.01 Applications. (1) FORMS. Applications for licenses and accompanying documents required by the provisions of ch. 452, Stats., and the rules of the board shall be made on forms provided by the department.

(2) ACTION ON COMPLETED APPLICATIONS. The board shall review and make a determination on an original application for a license within 60 business days after a completed application is received by the department. An application is completed when all materials necessary to make a determination on the application and all materials requested by the board have been received.

(3) VERIFICATION. (a) Individuals. All applications for a license as an individual shall be affirmed or verified by the applicant.

(b) Business entities. Applications for a license made by a business entity must be verified by a business representative of the business entity.

Note: Applications are available upon request to the department offices located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708–8935; phone (608) 266–1212 or available for download on the department webpage: <http://dsps.wi.gov/Licenses-Permits/Credentialing/Business-Professions/>.

(4) FEES PREPAID. No action shall be taken on any application until the prescribed fees are paid and deposited at the office of the department.

(5) PREVIOUSLY LICENSED BROKERS AND SALESPERSONS. No action shall be taken on any new application of an applicant who has previously been licensed by the board until the applicant furnishes sufficient proof to the board that the applicant has not acted as a salesperson or broker since the expiration of his or her license. The board may in its discretion waive this requirement.

(6) NEW APPLICATIONS; NON-RESIDENT BROKERS AND SALESPERSONS. No application for a real estate broker's or salesperson's license from any person not a resident of the state of Wisconsin may be processed prior to receipt by the department of an irrevocable consent to be sued as specified in s. 452.11, Stats.

(7) NEW APPLICATIONS; MINORS. No action shall be taken on any new application for a broker's or salesperson'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; renum. from REB 2.01, r. (1) (b), renum. (1) (c) and (d) to be (1) (b) and (c), Register, February, 1981, No. 302, eff. 3–1–81; renum. from REB 2.02 and am. (1) (a), (c) 2., (e) and (f) and (2), Register, February, 1983, No. 326, eff. 3–1–83; am. (1) (a), (c) and (2) (a), r. and recr. (1) (b), Register, July, 1998, No. 511, eff. 8–1–98; correction in (1) (a), (b), (f) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; CR 15–010; renum. (1) (a), (b), (c), (e), (f) to (1) to (5), renum. (2) (a), (b) to (1) (6) to (7), Register September 2015 No. 717, eff. 10–1–15; correction in (1) (title), (6) (title), (7) (title) under s. 13.92 (4) (b) 2., Stats., Register September 2015 No. 717.

REEB 12.011 Criminal conviction predetermination. (1) An individual who does not possess a broker's or salesperson's license may apply to the board, without submitting a full application for a determination of whether the individual would be disqualified from obtaining a license or certificate based upon a criminal conviction by submitting all of the following:

- (a) An application for predetermination.
- (am) A fee in the amount of \$68.00.
- (b) Police report.
- (c) Criminal complaint.
- (d) Judgment of conviction and sentencing.
- (e) Verification of compliance or completion with the terms of the sentencing.
- (f) Personal statement describing the facts that led to each offense and any rehabilitation completed.

(1m) The fee under sub. (1) (am) may be applied to the application fee under s. REEB 12.01 (4) if the individual applies for a real estate broker or salesperson license within 1 year of the determination decision.

(2) An individual who has been convicted of a felony shall meet the requirements of s. 452.25 (1) (b), Stats., prior to submitting a request for predetermination.

(3) The board shall review the information related to the conviction and consider all of the following factors in making a determination:

- (a) The severity and nature of the conviction.
- (b) The amount of time that has elapsed.
- (c) The number or pattern of convictions or other similar incidents that gave rise to the conviction.
- (d) The circumstances surrounding the conviction that may have a bearing on whether the individual might repeat the behavior that was the subject of the conviction.
- (e) The relationship of the conviction to real estate practice.
- (f) The individual's activities since the conviction, including employment, education, participation in treatment, payment of restitution, and any other factor that may be evidence of rehabilitation.

(4) The individual shall receive notification of the board's determination whether the criminal convictions would disqualify the individual from obtaining a license or certificate due to the individual's criminal record.

(5) The determination is binding upon the board and the department if the individual subsequently applies for license or certificate, unless there is information relevant to the determination that was not available to the board at the time of the determination.

History: CR 15–010; cr. Register September 2015 No. 717, eff. 10–1–15; EmR1620; emerg. am. (1), cr. (1) (am), eff. 7–1–16; CR 16–042; am. (1), cr. (1) (am), (1m) Register February 2017 No. 734, eff. 3–1–17.

REEB 12.013 Salesperson application requirements. (1) EDUCATION REQUIREMENTS. Except as provided in sub. (3), each applicant for a real estate salesperson's license shall submit satisfactory evidence of any of the following:

(a) Completion, within 4 years of licensure, of real estate salesperson's education under s. REEB 25.033 through an education program that has been approved by the board or nonresident salesperson education equivalency under s. REEB 25.038.

(b) Completion of 10 semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(2) EXAMINATION REQUIREMENTS. Except as provided in sub. (3), each applicant shall read and write a comprehensive examination in English, testing the applicant's competency to transact the business of a real estate salesperson. The examination shall be in conformity with s. 452.09 (3), Stats.

(3) RECIPROCITY. An applicant who is licensed as a salesperson in a state or territory that has entered into a reciprocal agreement with this state shall be licensed according to the terms of the reciprocal agreement.

History: CR 15-010; cr. Register September 2015 No. 717, eff. 10-1-15.

REEB 12.017 Broker application requirements.

(1) EDUCATION REQUIREMENTS. Except as provided in sub. (4), each applicant for a real estate broker's license shall submit satisfactory evidence of any of the following:

(a) Completion, within 4 years of broker's licensure, of a real estate broker's education program in business management under s. REEB 25.023 through an education program that has been approved by the board and evidence of any of the following:

1. Licensure as a real estate salesperson.

2. Completion of a real estate salesperson's education program under s. REEB 25.033 or completion of 10 semester hour credits in real estate or real estate related law courses from an accredited institution of higher education.

(b) Completion of nonresident broker equivalency under s. REEB 25.028.

(c) Completion of 20 semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(d) The applicant is licensed to practice law in this state.

(2) EXAMINATION REQUIREMENTS. Except as provided in sub. (4), each applicant for a real estate broker's license shall read and write a comprehensive examination in English, testing the applicant's competency to transact the business of a real estate broker. The examination shall be in conformity with s. 452.09 (3), Stats.

(3) EXPERIENCE REQUIREMENTS. Except as provided in sub. (4):

(a) Each applicant for a real estate broker's license shall submit evidence satisfactory to the board that the applicant has practiced as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of application, excluding any time the applicant spent in an apprenticeship. Except as provided in pars. (b) to (d), the evidence shall demonstrate that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:

1. Each completed or closed residential transaction is worth 5 points.

2. Each completed or closed commercial transaction is worth 10 points.

3. Each property management contract is worth 0.5 points per month.

4. Each completed or closed time share is worth one point.

(b) An applicant who is licensed to practice law in this state may satisfy the requirement under par. (a) by submitting to the board any of the following:

1. Evidence satisfactory to the board that the applicant has experience related to real estate.

2. Evidence that the applicant has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for a total of at least 20 points based upon the point system in par. (a) 1 to 4.

(c) An applicant who holds a current certificate of financial responsibility under s. 101.654, Stats., may satisfy the requirement under par. (a) by submitting to the board any of the following:

1. Evidence satisfactory to the board that the applicant has experience related to real estate sales.

2. Evidence that the applicant has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for a total of at least 20 points based upon the point system in par. (a) 1 to 4.

(d) A nonresident applicant may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant's application.

(4) RECIPROCITY. An applicant who is licensed as a broker in a state or territory that has entered into a reciprocal agreement with this state shall be licensed according to the terms of the reciprocal agreement.

History: CR 15-010; cr. Register September 2015 No. 717, eff. 10-1-15; correction in (3) (intro.) made under s. 35.17, Stats., Register September 2015 No. 717.

REEB 12.025 Examinations. (1m) PASSING SCORE.

The board shall determine the level of examination performance required for minimum acceptable competence after consultation with subject matter experts who have received a representative sample of the examination questions and available candidate performance statistics. The board shall set the passing score at the point that represents minimum acceptable competence in the profession.

(2) REVIEW. All applicants who obtain a failing grade shall receive a report detailing the results of the applicant's examination in the major content areas of the examination.

(3) CHEATING ON EXAMINATION. An applicant may not give or receive unauthorized assistance during an examination, violate the rules of conduct of the examination, or otherwise act dishonestly. The action taken by the board for a violation of this section shall be related to the seriousness of the offense. An action may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination at which the conduct occurred.

Note: This section interprets or implements s. 452.09 (3), Stats.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79; renum. from REB 2.035, Register, February, 1981, No. 302, eff. 3-1-81; renum. from REB 2.025, Register, February, 1983, No. 326, eff. 3-1-83; r. (3), Register, July, 1998, No. 511, eff. 8-1-98; CR 15-010; am. (title), r. (1), cr. (1m), am. (2), renum. (3) from REEB 12.026 Register September 2015 No. 717, eff. 10-1-15.

REEB 12.04 Renewal and reinstatement.

(1) RENEWAL LESS THAN 5 YEARS AFTER LICENSE EXPIRATION. (a) If a licensee renews his or her real estate license less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., the licensee shall pay the applicable renewal fee and late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., during the biennium preceding the date of renewal of the license.

(c) The licensee shall before the next renewal date satisfy the continuing education required of all licensees during the biennium in which the licensee renews the license.

(2m) RENEWAL OF LICENSE MORE THAN 5 YEARS AFTER LICENSE EXPIRATION. (a) *General.* A licensee with an expired license may not reapply for the license using the initial application process.

(b) *Salesperson license.* A licensee who renews a salesperson license more than 5 years after the license expiration shall submit evidence of all of the following:

1. 'Education.' Completion of any of the following:
 - a. Real estate salesperson education under s. REEB 25.033 within 5 years of renewal of license.
 - b. Ten semester hour credits in real estate or real estate law courses from an accredited institution of higher education.
 - c. Real estate salesperson education under s. REEB 25.038. This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.
2. 'Examination.' Passage of the examination required under s. REEB 12.013 (2).
3. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. and c. meets the continuing education requirement.

(c) *Broker license.* A licensee who renews a broker license more than 5 years after the license expiration shall submit evidence of all of the following:

1. 'Education.' Completion of any of the following:
 - a. Real estate business management education under s. REEB 25.023 and real estate salesperson's education under s. REEB 25.033 within 5 years of renewal of license. The real estate salesperson education is not required if the license is currently licensed in this state as a real estate salesperson.
 - b. Completion of 20 semester hours credits in real estate or real estate law at an accredited institution of higher education.
 - c. Education under s. REEB 25.028. This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.
 - d. A licensee who is also licensed to practice law in this state meets the education requirement.
2. 'Examination.' Passing the broker and salesperson examinations required under ss. REEB 12.013 (2) and 12.017 (2).
3. 'Experience.' Practicing as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of renewal or has experience related to real estate by any of the following:

- a. Accumulation of a total of at least 40 points based on the point system under s. REEB 12.017 (3) (a).

- b. Meeting the requirement under s. REEB 12.017 (3) (b).

- c. Meeting the requirement under s. REEB 12.017 (3) (c).

- d. A licensee who held an active broker license in another jurisdiction within 2 years of renewal of a Wisconsin license meets the experience requirement.

4. 'Continuing education.' Completion of the continuing education required by s. 452.12, Stats., for the biennium preceding the date of renewal of the license. A licensee completing education under subds. 1. a. and c. meets the continuing education requirement.

(d) *Continuing Education Requirement.* All licensees renewing under pars. (b) and (c) shall before the next renewal date satisfy the continuing education required during the biennium in which the license is renewed.

(3) LICENSE REINSTATEMENT. (a) A licensee who has a license with unmet disciplinary requirements that has not been renewed within 5 years of the renewal date or whose license has been surrendered or revoked may submit an application for reinstatement with all the following:

1. Evidence of completion of requirements in sub. (2m) (b) or (c) if the licensee has not held an active Wisconsin license within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances warranting reinstatement of license.

(b) A licensee may not reapply for a license through the initial application process if the licensee has unmet disciplinary requirements and failed to renew the license within 5 years of the renewal date or whose credential has been surrendered or revoked. A licensee may not practice real estate prior to being granted reinstatement of the license.

History: Emerg. cr. 6-16-87; cr. Register, December, 1987, No. 384, eff. 1-1-88; r. and recr. Register, March, 1990, No. 411, eff. 4-1-90; r. and recr., Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (intro.), cr. (2) (a) 4., Register, July, 1998, No. 511, eff. 8-1-98; am. (1) (a), r. (1) (b), Register, August, 1999, No. 524, eff. 9-1-99; correction in (1) (a), (2) (a) 1., 2., (b) 1., 2. made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 13-100; am. (1), (2) Register September 2014 No. 705, eff. 10-1-14; CR 15-010; am. (title), cons. and renum. (1) (intro) and (a) to (1) (a) and am., am. (1) (c), r. (2), cr. (2m), (3) Register September 2015 No. 717, eff. 10-1-15.