

**CERTIFICATE**

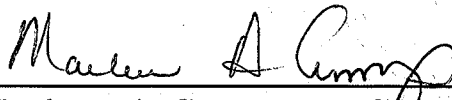
**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Marlene A. Cummings, Secretary, Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department of Regulation and Licensing, hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 10th day of December, 1997.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin this 10th day of December, 1997.**

  
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**Marlene A. Cummings, Secretary  
Department of Regulation and  
Licensing**

Rule 97-101

2-1-98

Filed 12/10/97  
11:08 am

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 97-101)

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ORDER

An order of the Department of Regulation and Licensing to *amend* RL 17.02 (3) and 17.03 (2); and to *create* RL 17.02 (2m), (3m), (5) and 17.12, relating to the employment of personal assistants by real estate salespersons and broker-employees.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 452.07, Stats.

Statutes interpreted: ss. 452.01 (5m), 452.14 (3) (f), (g) and (j), and 452.19, Stats.

This proposed rule-making order of the Department of Regulation and Licensing relates to the employment and use of personal assistants by licensed real estate salespersons and brokers who are themselves employed by real estate brokers. It is becoming increasingly common in this state, as well as nationally, for real estate salespersons and broker-employees of other real estate brokers to employ individuals to provide administrative, clerical or personal services to the salesperson or broker-employee. These services may include such tasks as answering the telephone, scheduling appointments and typing documents prepared by the licensee.

The proposed rules: 1) formally recognize the practice of salespersons and broker-employees in employing individuals to assist the licensees in carrying out their responsibilities for their broker-employers, 2) assure that broker-employers are informed that their salespersons or broker-employees have hired personal assistants, and 3) protect the interests of the licensees, personal assistants and the public by requiring that the duties of the unlicensed personal assistant, the manner in which the personal assistant will be compensated for his or her services and the responsibilities between the salesperson or broker-employee and broker-employer for supervision of the personal assistant's activities, will be set forth in writing.

The proposed rules also prohibit unlicensed personal assistants from assisting at an open house for the sale of real estate or a business without being accompanied by a real estate licensee, as it is deemed nearly impossible for an individual to hold an open house without engaging in negotiations with a prospective purchaser.

The proposed rules were submitted to the Real Estate Board for comment, as required under s. 452.07 (2), Stats. The Real Estate Board supports their promulgation.

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TEXT OF RULE

SECTION 1. RL 17.02 (2m) is created to read:

RL 17.02 (2m) "Broker-employee" means a broker who is employed to provide services for another broker.

SECTION 2. RL 17.02 (3) is amended to read:

RL 17.02 (3) "Broker-employer" means a sole proprietor, ~~a partnership or a corporation~~ or business entity that employs another broker or salesperson to provide services to the broker.

SECTION 3. RL 17.02 (3m) and (5) are created to read:

RL 17.02 (3m) "Open house" means a showing of real estate open to the public for viewing without an individual appointment.

(5) "Unlicensed personal assistant" means a person not licensed under ch. 452, Stats., or licensed but not employed for the purpose of providing services for which a license is required under ch. 452, Stats., who on behalf and under the direction of a licensee, provides the licensee with administrative, clerical or personal services for which a license under ch. 452, Stats., is not required.

SECTION 4. RL 17.03 (2) is amended to read:

RL 17.03 (2) A broker or salesperson who is employed by a broker-employer may ~~not~~ personally employ licensed persons only as unlicensed personal assistants within the meaning of s. RL 17.02 (5), subject to the provisions in s. RL 17.12.

SECTION 5. RL 17.12 is created to read:

RL 17.12 UNLICENSED PERSONAL ASSISTANTS. (1) A real estate salesperson or broker-employee, prior to employing an unlicensed personal assistant, shall enter into a written agreement with his or her broker-employer, setting forth the duties of the unlicensed personal assistant, the manner in which the personal assistant will be compensated for his or her services and the responsibilities between the salesperson or broker-employee and broker-employer for supervision of the personal assistant's activities.

(2) An unlicensed personal assistant may not assist a licensee at an open house for the sale of real estate or a business without the direct, on-premises supervision and presence

of a real estate licensee, and may not provide any services at an open house for which a license under ch. 452, Stats., is required.

Note: This rule does not prevent an owner from showing or holding an open house regarding his or her own residence, for example, or from permitting a non-compensation person, such as a relative or neighbor, from showing or holding an open house on the owner's behalf.

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(END OF TEXT)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated 12/12/97

Agency Marlene A. Cummings  
Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

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12/10/97