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**Council on Real Estate Curriculum and Examinations**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**Contact: Yolanda McGowan, 608-266-2112**  
**May 8, 2012**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

**MEETING**  
**10:00 A.M.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda** **(1-2)**
- B. Approval of Minutes (March 19, 2012)** **(3-10)**
- C. Secretary Matters
- D. Executive Director Matters
- E. Board Discussion Items including any received after printing of agenda**
  - 1) Education and Examination Matters
    - a. Review Revised Curriculum for 2012-2013
      - i. Broker (REEB 25.02) **(4-10)**
    - b. Review and Revise Current 2011-2012 Pre-licensure Curriculum for 2012-2013
      - i. Salesperson (REEB 25.03) **(11-14)**
    - c. Discussion related to the Planning of the Pre-licensure Curriculum effective 7/1/12
    - d. Discussion related to the Planning of the 2013-14 Continuing Education Curriculum
- F. Next Meeting Date:                  June 21, 2012

**ADJOURNMENT**

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**COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATIONS  
MEETING MINUTES  
MARCH 19, 2012**

Present: Shawna Alt, Robert Blakely, Anne Blood, Marie Hetzer, Kathryne Kuhl, Linda LeCoultre, and Patricia Tasker

Present by  
Live Meeting: Melvin Check

Staff: Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Guests: Cori Lamont and Jennifer Lindsley, Wisconsin Realtors Association (WRA)

Marie Hetzer, Board Chair, called the meeting to order at 10:12 a.m. A quorum of 8 members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Shawna Alt moved, seconded by Kathryne Kuhl, to adopt the agenda as published. Motion carried unanimously.

Marie Hetzer asked the members of the council to introduce themselves to the rest of the members.

**REVIEW OF MINUTES**

Yolanda indicated the this Council cannot approve the minutes of the August 26, 2010 meeting as there are no members from that Council on the current Council. She noted that future minutes will be approved by this Council.

**EXECUTIVE DIRECTOR MATTERS**

Yolanda McGowan reviewed the meeting dates and provided a brief department overview. She reviewed the ethical requirements of the Council and noted

**1. EDUCATION AND EXAMINATION MATTERS**

- a. Review of current 2011-2012 Pre-licensure Curriculum
  - i. Salesperson  
This item will be addressed at a later time due to the timeline for Broker requirements.
  - ii. Broker  
Cori Lamont and Jennifer Lindsley, both with the WRA, introduced themselves. Ms. Lindsley provided the Council with a handout outlining the curriculum that they are suggesting.  
The Council reviewed the changes recommended by the WRA.

**ADJOURNMENT**

**MOTION:** Anne Blood moved, seconded by Shawna Alt, to adjourn the meeting at 2:19 p.m. Motion carried unanimously.

## Broker Education Requirements

Current broker education requirements are found in REEB 25. The following is an outline of current and possible additional content based on REEB 25. Possible additional content is bolded.

### I. Contracts

- a. Definition of a contract
  - i. Contract versus agreement
- b. Elements of a contract
  - i. Offer
  - ii. Acceptance
  - iii. Consideration
  - iv. Competent parties
- c. **Parties to a contract**
  - i. Parties to an agency agreement
  - ii. Parties to a sales contract, option, lease, etc.
  - iii. Multiple parties
  - iv. Agency of parties
- d. Creating binding contracts
  - i. Signatures
  - ii. Acceptance, delivery, binding acceptance
  - iii. Deadlines
  - iv. Delivery, including e-sign
- e. Validity of contracts
- f. Drafting contracts and contingencies
  - i. Proper drafting
  - ii. Pre-printed
  - iii. Customized
- g. Ending the contractual relationship
  - i. Rescission
  - ii. Termination
  - iii. Modification
  - iv. Death of a party
  - v. Default, breach
- h. Time is of the Essence
- i. Acceptance versus counteroffers
- j. The law of conveyances
  - i. Conveyance defined
  - ii. Requirements for a valid conveyance
  - iii. **Transfers to which the law of conveyance applies**
  - iv. **Transfers to which the law of conveyance does not apply**
- k. Agreement to arbitrate real estate transaction disputes – s. 788.015, Stats.
- l. Commercial real estate commission lien – s. 779.32, Stats.

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### II. Approved forms

- a. The forms approval process
  - i. Forms committee
  - ii. **Real Estate Examining Board**
  - iii. Department of Safety and Professional Services
- b. The authorized practice of law
  - i. Reynolds v. Dinger, 14 Wis. 2d, 193
  - ii. Chapter REEB 16
- c. Review of forms
  - i. Listing contracts
  - ii. Offers
  - iii. Counteroffer – WB-44
  - iv. Amendment – WB-40
  - v. Buyer agency agreement – WB-36
  - vi. **Listing Contract for Lease of Real Property WB-37**
  - vii. Notice Relating to Offer to Purchase - WB-41
  - viii. Multiple Counter Proposal – WB-46
  - ix. Leases
  - x. Grant of option

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- xi. Bill of sale – WB-25
- xii. Offer to exchange property
- xiii. Cancellation and mutual release – WB-45
- xiv. Use of other transaction documents
  - 1. Agency disclosure
  - 2. Real estate condition reports
  - 3. Addendum
  - 4. Leases
  - 5. State bar forms – s. REEB 16.03 (1)
  - 6. Forms used by other Government Agencies
  - 7. Uniform commercial code forms
  - 8. Forms used in other states
- d. Developing a form and contingency manual
- e. Supervising salesperson's use of approved forms

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### III. Trust accounts, escrow, closing statement

- a. Trust accounts – chapter REEB 18
  - i. Trust account definition
  - ii. Trust funds definition
  - iii. When is a trust account required
  - iv. Registering a trust account with the department – forms used
  - v. Procedure to open a trust account
  - vi. Procedure to open an interest bearing trust account
  - vii. Closing a trust account – procedure, forms used
  - viii. Authorization to sign trust account checks
  - ix. Deposit of trust funds
  - x. Disbursement of trust funds
  - xi. Bookkeeping system
  - xii. Violation of trust account rules
- b. Escrow agreement procedures
  - i. Escrows requiring separate escrow agreements
  - ii. Pre-closing earnest money escrows
  - iii. Post closing escrows
  - iv. Escrows not requiring separate escrow agreements
  - v. Drafting escrow agreements/contingencies
- c. Closing procedures
  - i. Deadlines and contingencies in the offer
  - ii. Evidence of title- title insurance
  - iii. Licensee's role at closing
  - iv. Closing preparation procedures
  - v. Funds at closing vs. closing in escrow
  - vi. Preparing closing documentation
  - vii. Post closing procedures

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### IV. Business management and marketing

- a. The legal environment
  - i. Requirements for Licensure
  - ii. Legal Liability concerns/Risk Reduction
- b.iii. Operational policies
  - #1. Policy and procedures manual s. REEB 17.08
  - #2. Independent contractors' agreements
  - iii. Policy manual
- e.b. The business plan
  - i. Forms of ownership
  - ii. Licensing of business entity
  - iii. Trade names
  - iv. Changes of business form
- d.c. Professional services
  - i. Attorneys
  - ii. Accountants

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### V. Financial and Office management

- a. Office management – ch. REEB 15
  - i. Retention of paper records

- ii. Retention of Electronic Records
- b. Transition planning
  - i. Trust accounts
  - ii. Transfer of contracts
  - iii. Pending transactions
  - iv. Employees

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## VI. Personnel

- a. Hiring
  - i. Agents
  - ii. Personal Assistants
  - iii. Employee vs. Independent Contractor
  - iv. Equal Opportunity
  - v. Workers' compensation

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- b. Commission sharing
  - i. Offers of compensation
  - ii. Referral fees to licensees

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- c. Policy manual
  - i. Purpose
  - ii. Recommended Content
  - iii. Maintenance
  - iv. Access

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- d. Training
- e-d. Rules relating to real estate – s. REEB 17.08
  - i. Availability of rules
  - ii. Electronic copies

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- f-e. Licensure and supervision of employees – ch. REEB 17

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- i. Notifying the Department of employment status
- ii. Change of employment
- iii. Termination of employment
- iv. Change of name/ address
- v. CE requirement and renewal
- vi. Criminal conviction of licensee
- vii. Loss of license
- viii. Inactive license
- ix. Working for more than one brokerage
- x. Broker's liability 452.12

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- g-f. Dealings with licensee and salespeople
  - i. Supervision of employees REEB 17.08
  - ii. Responsibilities and fulfillment
  - iii. Office compliance with ADA
  - iv. Delegation
  - v. Branch offices
  - vi. Prohibited conduct related to:
    - vii-1. Accepting fees from someone other than client
    - viii-2. Acting as a principal
    - ix-3. Referral fees for services

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## VII. Business ethics

- a. Dealing with the public
  - i. Principal and agent relationship – s. REEB 24.025
    - 1. Agency
    - 2. Pre-agency
    - 3. Agency disclosures/Timing and Duties (452.133)
      - a. Clients
      - b. Customers
      - c. Non-Approved forms
    - 4. Agency relationships
      - a. Single agency
      - b. Multiple representation with designated agency
      - c. Multiple representation without designated agency
    - 5. Limited Services Disclosure Requirements
    - 6. Subagency
  - ii. Treating all parties fairly – s. REEB 24.025
  - iii. Avoid discrimination – s. REEB 24.03 (1)

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- iv. Competence in area of service – s. REEB 24.03 (2)
- v. Legal practice
  - 1. Authorized
  - 2. Unauthorized (Supreme Court Rule)
  - 3. Legal counsel not to be discouraged – s. REEB 24.06
- vi. Tie-ins – s. REEB 24.075
- vii. Agreements in writing – s. REEB 24.08
- viii. Misleading market values – s. REEB 24.09
- ix. No net listings – s. REEB 24.10
- b. Advertising – s. REEB 24.04
  - i. False ads
  - ii. Disclosure to the public
    - 1. Broker identification
    - 2. Licensee identification when principal in a transaction
  - iii. Obtain permission
  - iv. Advertised price
  - v. Using social media
- c. Offers – ss. REEB 24.12, 24.13
  - i. Confidentiality
  - ii. Draft and submit all offers
  - iii. Submit promptly
  - iv. Present fairly
  - v. Prompt notification
- d. Self-dealing – s. REEB 24.05 REEB-24
  - i. Disclosure of profits
  - ii. Disclosure of intent
  - iii. Property owned by licensee
  - iv. Referral of service
  - v. Compensation from more than one party
- e. Disclosure – s. REEB 24.07
  - i. All parties in a transaction
  - 1-ii. Material adverse facts
  - 2-iii. Exempt from disclosing s. 452.23 and s. 452.24
  - 3-iv. To Clients in a transaction
    - 1. Material facts
  - 4-v. Property inspection
- f. Dealings with fellow licensees
  - i. Negotiations through listing broker – s. REEB 24.13 (5)
  - ii. Presentation of offers
  - iii. Commissions
    - 1. Excluded properties
    - 2. Extension of listing and protected buyers
  - iv. Competency
  - v. Represented and unrepresented parties
  - vi. Obtain seller's permission for subagent – s. REEB 24.07 (8)(b)
  - vii. Confidentiality of offer – s. REEB 24.12
  - viii. Disclose material facts – s. REEB 24.07 (2)
  - ix. False information – s. REEB 24.07 (3)
  - x. Disclose buyer agent and seller subagent – s. REEB 24.07 (8)
  - xi. Timely transfer of earnest money – s. REEB 18.08

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## VIII. Consumer protection

- a. Disclosure
  - i. Property inspections – s. REEB 24.07 (1) (a)
    - 1. Licensee
    - 2. Third parties
    - 3. "As is" properties
  - ii. Investigation of other facts – s. REEB 24.07 (1) (b) REEB-24
  - iii. Use of third party inspectors – s. REEB 24.07 (2) REEB-24
  - iv. Wisconsin statutes s. 452.23, Stats
  - v. Civil liability for misrepresentation
  - vi. Seller's disclosure duties – ch. 709, Stats
    - 1. Residential
    - 2. Condominium
    - 3. Vacant land

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- 4. Commercial
- vii. Buyer's inspection obligation
- b. Fair housing
  - i. Federal law
  - ii. State of Wisconsin law
  - iii. Local fair housing law
  - iv. Sanctions for violations
  - v. Testers and fair housing organizations
  - vi. Conduct prohibited by fair housing law
  - vii. Responding to fair housing questions
  - viii. Instituting equal professional service procedures
- c. Antitrust: conspiracy and group boycotts
  - i. Section 1 of the Sherman Act
  - ii. Conspiracy requirement
  - iii. "Restraint of trade" requirement
  - iv. Compensation and "prices" which have been fixed
  - v. Situations creating inferences of price fixing
  - vi. How to respond to antitrust situations
  - vii. Situations creating inference of boycott
- d. Complaint handling procedures
  - i. Consumer satisfaction
  - ii. Liability avoidance
  - iii. Feedback on fair housing or other law violations
  - iv. Prevent complaint through education
  - v. Document the complaint handling program in policy and procedures manual
  - vi. Inform the parties of the complaint handling program
  - vii. Dispute resolution system.
    - 1. Parties to disputes
      - a. Buyers and sellers
      - b. Brokers and clients
      - c. Brokers and brokers
    - 2. Resolution methods
      - a. Negotiation
      - b. Mediation
      - c. Arbitration
      - d. Litigation
- e. Environmental factors
  - i. Underground storage tanks: registration and closure
  - ii. Asbestos
  - iii. Radon
  - iv. Lead-based paint
  - v. Lead
  - vi. Pesticides
  - vii. Methamphetamine production
  - viii. Procedures for "high risk" properties
  - ix. Wetlands and floodplain

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## IX. Specialty areas

- a. Specialty transactions
  - i. Property management (Wis. Stat. §704)
    - 1. Forms
    - 2. Licensee as owner of rental property
    - 3. Licensee as manager of rental property
    - 4. Management contracts
    - 5. Credit check fee
    - 6. Repair promises
    - 7. Prohibited practices
    - 8. Rental weatherization
    - 9. Notice of termination
    - 10. Insurance liability
    - 11. Security deposits/ earnest money/ rents/ property management fees
    - 12. Breach of lease
    - 13. Property inspections
    - 14. Tenant and landlord rights and obligations – ch. ATCP 134
      - a. Tenant remedies

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- b. Landlord remedies
- 15. Rules regarding negotiating leases
- ii. Business opportunities
  - 1. Special expertise and licensing requirements – s. REEB 24.03
  - 2. Approved forms
  - 3. With real estate
  - 4. Without real estate
- iii. Historic property
- iv. Vacant land
- v. Farm
- vi. Condominiums
- vii. Broker price opinions vs. Real Estate Appraisal
- viii. Options
- 1. Foreclosures (Statutory reference)
- ix. Short sales - Definition/Disclosure Requirement
- x. Modified agency listing contracts
- xi. Exchanges
- xii. Cooperatives
- xiii. Auctions
- xiv-xv. Mobile homes
- xvi. Time-share
- b. Sources of financing
  - i. Conventional
  - ii. Government
  - iii. Seller
  - iv. Lending process

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**REEB 25.03 Educational requirements of applicant for an original real estate salesperson's license.**

**(1) GENERAL REQUIREMENTS.** Each applicant for an original real estate salesperson's license shall present evidence of attendance, within 5 years before application for a license, at the educational program in sub. (3), which has been approved by the board in accordance with s. REEB 25.05 or 25.06.

**(2) TEN SEMESTER-HOUR WAIVER.** The educational requirement in sub. (1) is not required of an applicant who submits proof that the applicant has received 10 semester hour credits in real estate or real estate related law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

**(3) SALESPERSON'S PRE-LICENSE PROGRAM.** The educational program for applicants for an original real estate salesperson's license shall cover all of the following topics and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 72 hours:

**(a) Real property.**

1. Land, real estate and real property.
2. Real property versus personal property.
3. Classification of fixtures.
4. Characteristics of real estate.
5. Types of home ownership.
6. Mobile homes — s. 70.043, Stats.
7. Ownership expenses.
8. Property features.
9. Investment considerations.
10. Tax benefits for home ownership.
11. Homeowner's insurance.

**(b) The real estate business.**

1. Real estate specialties.
2. The real estate market.
3. Factors affecting supply and demand.
4. Business cycles.
5. Real estate practice — ch. 452, Stats.

**(c) Real estate brokerage.**

1. Law of agency.
2. Creation and termination of agency.
3. Fiduciary duties.
4. Responsibilities to third parties.
5. Broker's and salesperson's compensation.
6. Antitrust laws.
7. Independent contractor versus employee.
8. Broker-to-broker relationships.
9. Sales associate-to-sales associate relationships.

**(d) Listing agreements.**

1. Listing property.
2. Listing agreements — ch. REEB 16.

**3. Special listing provisions.**

4. Termination of listings.
5. Obtaining listings.
6. Pricing the property.
7. Disclosures.
8. Home warranties.

**(e) Interests in real estate.**

1. Government powers.
2. Estates in land.
3. Encumbrances.
4. Water rights.
5. Forms of ownership.
6. Trusts.
7. Ownership by business organizations.
8. Cooperatives.
9. Time-shares — ss. 70.095, 707.02, 707.05, 707.40, 707.47, 707.49, Stats.
10. Condominiums — ss. 703.08, 703.21, 703.33, Stats.
11. Homestead — ss. 706.01 (7), 766.605, Stats.

**(f) Legal descriptions.**

1. Methods of describing real estate.
2. Land units and measurements.
3. Measuring elevations.

**(g) Taxes and other liens.**

1. Liens and their effects on title.
2. Tax liens.
3. General tax assessment, equalization, tax bills.
4. Mortgage liens.
5. Mechanics liens.

- 6. Judgments.
  - 7. Estate and inheritance tax liens.
  - 8. Other liens.
  - 9. Taxes — ss. 74.15, 74.47 (1) and (2), Stats.
  - 10. Taxation and transfer fee — ss. 77.22, 77.27, Stats.
    - (h) *Real estate contracts*.
      - 1. Contract law.
      - 2. Elements of a valid contract.
      - 3. Performance of contract.
      - 4. Discharge of contract.
      - 5. Default or breach of contract.
      - 6. Forms used in real estate — ch. REEB
        - 16.
          - a. Listing agreements — s. 240.10, Stats.
          - b. Offers to purchase.
          - c. Buyer agency agreements.
          - d. Counteroffers.
          - e. Amendments.
          - f. Understanding closing statements.
          - g. Disclosure forms: seller condition report; agency; buyer and seller disclosure.
          - h. Addendums.
          - i. Cancellation and mutual release agreements.
          - 7. Agreement to arbitrate real estate transaction disputes — s. 788.015, Stats.
          - (i) *Title records and transfers of title*.
            - 1. Requirements of a valid conveyance — ss. 240.10, 706.02, 706.03, Stats.
            - 2. Types of deeds.
            - 3. Involuntary alienation.
            - 4. Probate.
            - 5. Transfer of title by will and descent.
            - 6. Public records and recording.
            - 7. Evidence of title.
            - 8. Uniform commercial code.
            - 9. Other conveyances.
          - (j) *Real estate finance and basic math*.
            - 1. Buyer qualification.
            - 2. Mortgage instruments.
            - 3. Payment plans.
            - 4. Provisions for default: assignment; release; subject to.
5. Land contracts.
6. Secondary mortgage market.
  - (k) *Appraisal — market analysis*.
    - 1. Basic principles of value.
    - 2. Direct market comparison approach.
    - 3. Cost approach.
    - 4. Income approach.
    - 5. Appraisal process.
  - (L) *Fair housing laws*.
    - 1. Equal opportunity in housing.
    - 2. Federal fair housing law.
    - 3. Blockbusting, steering, redlining.
    - 4. Equal rights — s. 106.50, Stats.
    - 5. Equal opportunity — s. 66.1011, Stats.
    - 6. Organizations.
  - (m) *Ethical real estate practices*.
    - 1. Chapter REEB 24.
    - 2. Ethical business conduct.
  - (n) *Leases*.
    - 1. Leasehold estates.
    - 2. Standard lease provisions.
    - 3. Lease documents.
    - 4. Legal principles of leases.
    - 5. Assignment and subleasing.
    - 6. Improvements.
    - 7. Maintenance.
    - 8. Breach.
    - 9. Residential rental practices — ss. ATCP 134.02, 134.06, 134.09, and 134.09.
  - (o) *Property management*.
    - 1. Functions of property manager.
    - 2. Management agreement.
    - 3. Management considerations.
    - 4. Renting and maintaining the property.
    - 5. Risk management.
  - (p) *Land use control and development*.
    - 1. Public controls.
    - 2. The master plan.
    - 3. Zoning.
    - 4. Subdivision regulations.
    - 5. Private land-use controls.
    - 6. Building codes.
    - 7. Land development.
    - 8. Subdividing.

**9.** Interstate land sales full disclosure act.

**10.** Platting and subdivisions — ss. 236.01, 236.02, 236.03, 236.31, 236.33, 236.335, 236.35, Stats.

(q) *Environmental concerns.*

**1.** Radon.

**2.** Asbestos.

**2m.** Lead-based paint.

**3.** Toxic waste.

**4.** Underground storage tanks — ch. SPS 310.

**5.** Floodplains — s. 87.30, Stats. and ss. NR 116.01, 116.06.

**6.** Flood insurance.

**7.** Wetlands — s. 23.32, Stats.

**8.** Farmland preservation — ss. 91.01, 91.60 to 91.70, Stats.

**9.** Rental unit energy efficiency standards — ss. SPS 367.03, 367.08.

**10.** Disclosure documents — s. 452.23, Stats., and ch. 709, Stats. and s. REEB 24.07.

**Note:** Section DFI-Bkg 40.03 (4) (b) no longer exists, eff. 1-1-10.

**History:** Cr. Register, October, 1979, No. 286, eff. 11-1-79; am. (2) (intro.) and r. and recr. (2) (b), Register, April, 1981, No. 304, eff. 5-1-81; am. (2) (b), Register, June, 1982, No. 318, eff. 7-1-82; renum. from REB 16.03 and am. (2), Register, February, 1983, No. 326, eff. 3-1-83; r. and recr. Register, February, 1987, No. 374, eff. 6-1-87; r. and recr. Register, January, 1992, No. 433, eff. 2-1-92; am. (1), (3) (q) 10., (4), cr. (3) (h) 7., Register, September, 1993, No. 453, eff. 10-1-93; cr. (3) (q) 2m., r. (4), Register, July, 1997, No. 499, eff. 8-1-97; am. (3) (r) 9., Register, July, 1998, No. 511, eff. 8-1-98; am. (1), (3) (intro.), (a) (intro.), 6., (b) to (L) (intro.), 4. and (m) to (r), Register, August, 1999, No. 524, eff. 9-1-99; correction in (3) (L) 4. and 5. made under s. 13.93 (2m) (b) 7., Stats., Register November 2007 No. 623; correction in (3) (q) 4. made under s. 13.92 (4) (b) 7., Stats., Register January 2011 No. 661; correction in (1), (3) (d) 2., (h) 6. (intro.), (m) 1., (q) 4., 8., 9., 10., (r) 1. to 5. made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

**11.** Other.

(r) *Miscellaneous Wisconsin license laws.*

**1.** Chapter REEB 15 — documents and records.

**2.** Chapter REEB 16 — contractual forms.

**3.** Chapter REEB 17 — licensure and supervision of employees.

**4.** Chapter REEB 18 — trust accounts.

**5.** Chapter REEB 23 — change of name, address, trade names.

**6.** Commercial bulk sales — ss. 406.101, 406.102, 406.103, 406.104, 406.105, 406.107, 406.108, Stats.

**Note:** Sections 406.101 to 406.108, Stats., were repealed by 2009 Wis. Act 110.

**7.** Property provisions for aliens and corporations — ss. 710.01, 710.02, Stats.

**8.** Property rights of married persons — ss. 766.31, 766.51, 766.60, 766.63, Stats.

**9.** Mortgage banking — s. 224.71, Stats., and s. DFI-Bkg 40.03 (4) (b).

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