



## **REALTORS APPLAUD COURT RULING ON “NO CALL” RULES**

Statement from William Malkasian, President  
Wisconsin REALTORS® Association  
June 29, 2004

Madison – We applaud today’s court ruling, which eliminates the threat of baseless lawsuits against businesses trying in good faith to comply with Wisconsin’s “No Call” law. As a result of the ruling, state regulation regarding telemarketing is both fairer and stronger. It also represents a substantial victory of small business over unchecked government without hurting consumers.

We argued in this lawsuit that the administrative rules, written by a few non-elected regulators, substantially exceeded the statutes written by elected legislators. On three major points, the court agreed with us. In so doing, the court significantly reduced the threat of frivolous lawsuits, restored appropriate penalties and limited the registration fees companies are required to pay the state. In no uncertain terms, the court reminded us the legislature makes the laws in this state - not state agencies.

We expect the Department of Agriculture, Trade and Consumer Protection to appeal this decision because it restrains their authority not only on these rules, but on other rules as well. On behalf of taxpayers, we hope the agency does not appeal and instead heeds the court’s ruling. It is time to go back to the drawing board and rewrite the rules to reflect the intent of the legislature. On behalf of homeowners and small businesses across the state, the Wisconsin REALTORS® Association is ready, as it always has been, to assist the agency in writing new rules that make sense.

For further comments, contact Mike Wittenwyler (608-284-2616) or Josh Johanningmeier (608-284-2637) at LaFollette Godfrey and Kahn SC.