



STATE OF WISCONSIN

Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

**REAL ESTATE APPRAISERS BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Wightman 608-267-9378
November 28, 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.

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes – August 22, 2012 (5-12)**
- C. Executive Director Matters**
 - 1) Staff Changes
 - 2) 2013 Meeting Dates (13-14)
- D. 9:35 a.m. APPEARANCE – Jeanette Lytle, Attorney and Intake Supervisor, Division of Legal Services and Compliance (DLSC): Review of DLSC’s Current Screening Process (15-16)**
- E. Items Received After Printing of the Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Proposed Final Decision and Order(s)
 - 5) Review of Real Property Appraiser Qualification Criteria
 - 6) Informational Item(s)
 - 7) DLSC Matters
 - 8) Status of Statute and Administrative Rule Matters
 - 9) Education and Examination Matters
 - 10) Credentialing Matters
 - 11) Practice Questions/Issues
 - 12) Legislation/Administrative Rule Matters
 - 13) Liaison Report(s)
 - 14) Speaking Engagement(s), Travel, or Public Relation Request(s)
- F. Informational Items**

G. New Business

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. And 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

I. Deliberation of Proposed Stipulations, Final Decisions and Orders

- 1) 09 APP 102 – John P. Hill **(17-22)**
- 2) 11 APP 043 – Paul M. De Angelis, Jr. **(23-30)**
- 3) 11 APP 046 – Joel M. Fallin **(31-38)**

J. Monitoring Cases

- 1) Christopher F. Palumbo – Review and Decision on License **(39-56)**
- 2) Michael S. Rynearson – Request for Approval of Course/Extension of Time **(57-80)**
- 3) Neal R. Aitchison – Review and Decision on License **(81-96)**
- 4) Stephen C. Fairbairn – Request for Modification **(97-106)**
- 5) Thomas J. Elliott – Request for Modification **(107-120)**

K. Division of Legal Services and Compliance:

- 1) Case Status Report
- 2) Case Closings **(121-122)**

L. Deliberation of Items Received After Printing of the Agenda:

- 1) Application Issues and/or Reviews
- 2) Professional Assistance Procedure (PAP)
- 3) Monitoring Matters
- 4) Administrative Warnings
- 5) Review of Administrative Warning
- 6) Proposed Stipulations, Final Decisions and Orders
- 7) Proposed Final Decisions and Orders
- 8) Orders Fixing Costs/Matters Related to Costs
- 9) Petitions for Summary Suspension
- 10) Petitions for Re-hearings
- 11) Complaints
- 12) Examination Issues
- 13) Credential Issues
- 14) Appearances from Requests Received or Renewed
- 15) Motions

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

O. Other Board Business

ADJOURNMENT

NEXT MEETING: FEBRUARY 13, 2013

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**REAL ESTATE APPRAISERS BOARD
MINUTES
August 22, 2012**

PRESENT: Marla Britton, Sharon Fiedler, Lawrence Nicholson, Henry Simon

ABSENT: Jose Perez

STAFF: Berni Mattsson, Bureau Director; Lydia Thompson, Legal Counsel; David Carlson, Bureau Assistant; other DSPS staff.

GUESTS: Debbie Conrad, Wisconsin Realtors Association.

CALL TO ORDER

Marla Britton, Chair, called the meeting to order at 9:40 a.m. A quorum of four (4) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Add revised Maldonado Stipulation
- Add consideration of case 09 APP 102, John Hill as item E6 and J6.
- Add materials to end of item M9.
- Delete item C
- Add D, Disciplinary Action Matrix

MOTION: Simon moved, seconded by Nicholson, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 9, 2012

MOTION: Nicholson, seconded by Simon, to approve the minutes of May 9, 2012. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Berni Mattsson noted that elections for Board Officers will now be held at first meeting each year. Berni also noted that all late agenda items MUST be in 24 hours before meeting time and noted that we will not be recording meetings and will only be doing “action item” minutes.

REVIEW OF DISCRETIONARY DISCIPLINARY ACTION MATRIX

PRESENTATION OF PROPOSED STIPULATION(S)

All proposed stipulations will be deliberated in closed session.

REVIEW OF REAL PROPERTY APPRAISER QUALIFICATION CRITERIA

MOTION: Fiedler moved, Nicholson seconded, to request that the DSPS Secretary meet with the Board at a future meeting to discuss the changes to the Real Property Appraiser Qualification Criteria, which will be effective January 1, 2015.

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS

Board recessed at 11:02 a.m. and reconvened at 11:22 a.m.

NEW BUSINESS

Hank questioned what might be done

INFORMATIONAL ITEMS

There were no informational items

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Paulson moved, seconded by Fiedler, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s.

19.85(1)(f), Stats.; and, to confer with legal counsel (s.
19.85(1)(g), Stats. Motion carried by roll call vote: Marla
Britton-yes, Sharon Fiedler-yes; Lawrence Nicholson-yes;
Henry Simon - yes.

Open Session recessed at 11:25 a.m.

RECONVENE TO OPEN SESSION

MOTION: Simon moved, seconded by Fiedler, to reconvene into Open Session.
Motion carried unanimously.

Open session reconvened at 1:39 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

ADMINISTRATIVE WARNINGS

12 APP 011

MOTION: Simon moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 011 Motion carried.

12 APP 012

MOTION: Nicholson moved, seconded by Simon to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 012 Motion carried.

12 APP 013

MOTION: Simon moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 013. Motion carried.

12 APP 014

MOTION: Fiedler moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 014. Motion carried.

12 APP 015

Real Estate Appraisers Board
August 22, 2012 Minutes
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MOTION: Fiedler moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 015. Motion carried.

12 APP 016

MOTION: Simon moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 016. Motion carried.

12 APP 017

MOTION: Fiedler moved, seconded by Simon to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 017. Motion carried.

12 APP 020

MOTION: Fiedler moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 020. Motion carried.

12 APP 022

MOTION: Simon moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 022. Motion carried.

12 APP 027

MOTION: Nicholson moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 027. Motion carried.

12 APP 029

MOTION: Simon moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 029. Motion carried.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JOHN KRUEGER
11 APP 048

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John Krueger. Motion carried.

RICHARD BEYER

11 APP 040

MOTION: Nicholson moved, seconded by Fiedler to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Richard Beyer. Motion carried.

ELLEN PHILLIPS

11 APP 040

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Ellen Phillips. Motion carried.

FELIPE MALDONADO

11 APP 037

MOTION: Nicholson moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Felipe Maldonado. Motion carried.

RALPH BAUCH

11 APP 035

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Ralph Bauch. Motion carried.

JOHN HILL

09 APP 102

MOTION: Fiedler moved, seconded by Simon to table case 09 APP 102. Nicholson recused himself from deliberations and voting. Motion carried.

CASE CLOSINGS

11 APP 041

MOTION: Nicholson moved, seconded by Simon, to close case **11 APP 041** pursuant to prosecutorial discretion (P7). Motion carried.

11 APP 051

MOTION: Fiedler moved, seconded by Nicholson, to close case **11 APP 051** pursuant to prosecutorial discretion (P7). Motion carried.

MONITORING

DONALD WERGIN

MOTION: Nicholson moved, seconded by Fiedler to deny the petition for reinstatement of licensure based on failure to comply with the Board Orders of March 22, 2012 and August 25, 2010, and to direct the Division of Enforcement to open a new case for investigation for potential violation of a Board Order. Motion carried.

STEPHEN C. FAIRBAIRN

MOTION: Fiedler moved, seconded by Nicholson to direct the Division of Enforcement to continue its investigation of Fairbairn for potential violation of a Board Order. Motion carried.

BETH ROBERTS

MOTION: Nicholson moved, seconded by Simon to deny the request to remove the limitations on her credential for failure to provide the required work logs with her petition pursuant to the Board's order of August 12, 2009. Motion carried.

DONALD WALDVOGEL

MOTION: Fiedler moved, seconded by Nicholson to deny the request for a voluntary surrender of his credential. The Board further determines that if Mr. Waldvogel does not complete the education requirements specified in the Board's Orders of September 3, 2010 and September 6, 2011 by September 1, 2012, he shall be suspended. Motion carried.

ADJOURNMENT

MOTION: Fiedler moved, seconded by Nicholson, to adjourn the meeting at 1:52 p.m. Motion carried unanimously.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor		2) Date When Request Submitted: 10/15/2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Real Estate Appraisers Board			
4) Meeting Date: 11/28/2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2013 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p>The Board should review and note its meeting dates scheduled for 2013. Please advise your Executive Director of any existing conflicts.</p>			
11) Authorization			
<i>Kimberly Wood</i>		10/15/2012	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			



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Governor Scott Walker Secretary Dave Ross

MEMO

TO: Real Estate Appraisers Application Advisory Committee

FROM: Kimberly Wood, Program Assistant Supervisor

DATE: October 18, 2012

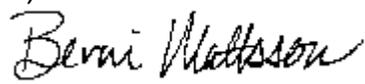
RE: 2013 Meeting Dates

Meeting dates have been scheduled as follows.

January 15	Meeting	10:00 a.m.	Room 121A
February 14	Meeting	10:00 a.m.	Room 121C
March 26	Meeting	10:00 a.m.	Room 121A
May 9	Meeting	10:00 a.m.	Room 121C
June 25	Meeting	10:00 a.m.	Room 121A
August 28	Meeting	10:00 a.m.	Room 121A
November 26	Meeting	10:00 a.m.	Room 121A

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Berni Mattsson, Executive Director		2) Date When Request Submitted: 8/14/12 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Real Estate Appraisers Board			
4) Meeting Date: 11/14/12	5) Attachments: Yes x No	6) How should the item be titled on the agenda page? Review of DOE's Current Screening Process	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) x No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: A representative from DOE will review and discuss their current screening process with the Board.			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 8/14/12 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; text-align: right;">Date</div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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