



**VIRTUAL/TELECONFERENCE
REAL ESTATE APPRAISERS BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
May 23, 2023**

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 of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 31, 2023 (4-9)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements, and Recognition**
 - 1) Introduction of Christopher Krueger, Certified or License Appraiser Member (Succeeds: Clementi)
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Coates, Jennifer M. – 5/1/2019
 - b. Figurski, Daniel J. – 5/1/2026
 - c. Kneesel, Thomas J. – 5/1/2022
 - d. Krueger, Christopher D. – 5/1/2024
 - e. Myers, Dennis – 5/1/2021
 - f. Rubow, Richard L. – 5/1/2023
 - g. Wagner, David J. – 5/1/2026
- F. Administrative Rule Matters – Discussion and Consideration**
 - 1) PAREA Update
 - 2) Pending or Possible Rulemaking Projects
- G. Report from the Real Estate Appraisers Application Advisory Committee**
 - 1) Recruitment of New Members
- H. Discussion and Consideration of Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition

- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Public Health Emergencies
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), 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.).

J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Proposed Stipulations and Final Decision and Orders**
 - a. 21 APP 006 – Richard A. Hearn **(10-17)**
 - b. 21 APP 029 – Darrell L. Bachofen **(18-26)**
 - c. 21 APP 039 – Brian K. Hietpas **(27-33)**
 - d. 21 APP 040 – Michael J. Jandrin **(34-39)**
 - e. 21 APP 052 – Patrick T. Wagner **(40-47)**
 - f. 21 APP 057 – Gatlin D. Fenwick **(48-54)**
 - g. 21 APP 060, 22 APP 038 – Margaret M. Schroeder **(55-62)**

K. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters

- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

N. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: AUGUST 1, 2023

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer , or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
REAL ESTATE APPRAISERS BOARD
MEETING MINUTES
JANUARY 31, 2023**

PRESENT: Jennifer Coates, Daniel Figurski, Thomas Kneesel, Dennis Myers, Richard Rubow

EXCUSED: Christopher Krueger, David Wagner

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Dennis Myers, Secretary, called the meeting to order at 9:01 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Thomas Kneesel moved, seconded by Daniel Figurski, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 17, 2022

MOTION: Richard Rubow moved, seconded by Thomas Kneesel, to approve the minutes of November 17, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Daniel Figurski nominated himself for the Office of Chairperson. Daniel Figurski accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Daniel Figurski was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Dennis Myers nominated Jennifer Coates for the Office of Vice Chairperson. Jennifer Coates accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Jennifer Coates was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Dennis Myers nominated himself for the Office of Secretary. Dennis Myers accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Dennis Myers was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Daniel Figurski
Vice Chairperson	Jennifer Coates
Secretary	Dennis Myers

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Daniel Figurski <i>Alternate: Thomas Kneesel</i>
Education and Exams Liaison(s)	Daniel Figurski <i>Alternate: Thomas Kneesel</i>
Monitoring Liaison(s)	Richard Rubow <i>Alternate: Jennifer Coates</i>
Professional Assistance Procedure Liaison(s)	Thomas Kneesel <i>Alternates: Jennifer Coates</i>
Legislative Liaison(s)	David Wagner <i>Alternate: Dennis Myers</i>
Travel Authorization Liaison(s)	David Wagner <i>Alternate: Jennifer Coates</i>
ASC and AQB Liaison(s)	Christopher Krueger <i>Alternate: Thomas Kneesel</i>
REA Application Advisory Committee Chair	Thomas Kneesel <i>Alternate: Daniel Figurski, David Wagner</i>
Website Liaison(s)	Jennifer Coates <i>Alternate: Dennis Myers</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Thomas Kneesel moved, seconded by Daniel Figurski, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Daniel Figurski moved, seconded by Thomas Kneesel, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Daniel Figurski moved, seconded by Dennis Myers, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Daniel Figurski moved, seconded by Thomas Kneesel, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Dennis Myers moved, seconded by Daniel Figurski, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Dennis Myers moved, seconded by Daniel Figurski, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 31, 2023 agenda materials on pages 17-19. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Richard Rubow moved, seconded by Jennifer Coates, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Voluntary Surrenders

MOTION: Dennis Myers moved, seconded by Richard Rubow, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Dennis Myers moved, seconded by Daniel Figurski, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Daniel Figurski moved, seconded by Richard Rubow, to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Daniel Figurski moved, seconded by Richard Rubow, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Daniel Figurski moved, seconded by Jennifer Coates, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board’s or Board designee’s request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Dennis Myers moved, seconded by Daniel Figurski, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Richard Rubow moved, seconded by Daniel Figurski, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

ASC and AQB Liaison(s) Delegation

MOTION: Daniel Figurski moved, seconded by Thomas Kneesel, to authorize to the ASC and AQB Liaison(s) to address all issues related to ASC and AQB. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Jennifer Coates moved, seconded by Daniel Figurski, to authorize the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Possible Scope Statement on Practical Applications of Real Estate Appraisal (PAREA) Program

MOTION: Daniel Figurski moved, seconded by Jennifer Coates, to recommend to the Department that DSPS staff draft a Scope Statement revising SPS 85-87 relating to Implementation of the Practical Applications of Real Estate Appraisal (PAREA) Program, and to designate Daniel Figurski to advise DSPS staff. Motion carried unanimously.

CLOSED SESSION

MOTION: Dennis Myers moved, seconded by Richard Rubow, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), 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.). Daniel Figurski, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Jennifer Coates-yes; Daniel Figurski-yes; Thomas Kneesel-yes; Dennis Myers-yes; and Richard Rubow-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:59 a.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Proposed Stipulations and Final Decision and Orders

MOTION: Dennis Myers moved, seconded by Daniel Figurski, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 20 APP 014, 20 APP 054 – Andrew S. Gumina
2. 21 APP 025 – Lydell C. Hunter
3. 22 APP 021 – Candice N. Coopman

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Dennis Myers moved, seconded by Richard Rubow, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:02 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Dennis Myers moved, seconded by Jennifer Coates, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Daniel Figurski moved, seconded by Thomas Kneesel, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:04 a.m.