

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
CHARLES J. SCHLESSELMAN, :
 : LS0705167APP
 :
RESPONDENT. :

Division of Enforcement Case No. 06 APP 038

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Charles J. Schlesselman
35785 Hillview Court
Oconomowoc, WI 53066

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Real Estate Appraisers Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

This matter was originally opened as a request for a hearing regarding the denial of Respondent's application for certification and licensure as a certified general appraiser, and subsequently was considered for disciplinary action with respect to Respondent's licensure. Respondent hereby withdraws the request for hearing. The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board ("Board"). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles J. Schlesselman ("Schlesselman"), whose date of birth is August 30, 1940, and whose last address of record reported to the Department of Regulation and Licensing ("Department") is 35785 Hillview Court, Oconomowoc, WI 53066, possesses a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin (#4-997). The licensure was first granted on October 31, 1995, and will expire on December 14, 2007.

2. On February 9, 2006, Mr. Schlesselman's application for certification and licensure as a certified general appraiser was denied. The basis for the denial was that the work samples submitted by Mr. Schlesselman did not comply with the applicable Uniform Standards of Professional Appraisal Practice ("USPAP").

3. For personal reasons, Mr. Schlesselman wishes to voluntarily surrender his current license and forfeit his right to renew his current license, rather than litigate the denial of his application or to proceed with formal disciplinary proceedings pertaining to his credential due to alleged USPAP violations.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 458 and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Board accepts the VOLUNTARY SURRENDER of Mr. Schlesselman's license and certification as a licensed appraiser, including the surrender of Mr. Schlesselman's right to renew the license.

IT IS FURTHER ORDERED that:

2. Mr. Schlesselman shall, within sixty (60) days from the date of this Order, submit all indicia of licensure to the Department.

3. All submissions required by this Order shall be submitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

4. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

5/16/07
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST : STIPULATION
:
CHARLES J. SCHLESSELMAN, : LS# _____ APP
:
RESPONDENT. :

Division of Enforcement Case No. 06 APP 038

It is hereby stipulated between Charles J. Schlesselman, represented by attorney Randall Lueders, and Mark A. Herma of the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending denial of Mr. Schlesselman's application for certification licensure as a certified general appraiser, and regarding an investigation of the matters that lead to a denial of the applicaiton (06 APP 038). Respondent consents to the resolution of this matter without the filing of a formal complaint or hearing.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraiser's Board ("Board"). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board or any other person has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondents or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issues the attached Final Decision and Order.

CHARLES J. SCHLESSELMAN

Respondent

35785 Hillview Court

Oconomowoc, WI 53066

Date

RANDALL LUEDERS

Attorney For Respondent

Lueders Law Offices LTD.

635 Park Avenue

P.O. Box 227

Columbus, WI 53925-0227

Date

MARK A. HERMAN, Attorney

Division of Enforcement

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708-8935

Date