

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN RE DISCIPLINARY PROCEEDINGS :  
AGAINST :  
 :  
 : **FINAL DECISION AND ORDER**  
 :  
 **MICHAEL D. BEALS,** :  
 :  
 : **LS0911118APP**  
 :  
 :  
 **RESPONDENT.** :

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Division of Enforcement Case No. 08 APP 111

The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

Michael D. Beals  
2205 County Trunk L  
P.O. Box 161  
Tomahawk, WI 54487

Real Estate Appraisers Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708 8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, subject to the approval of the Real Estate Appraisers 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. Respondent Michael D. Beals (“Beals”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 2205 County Trunk L, P.O. Box 161, Tomahawk, WI 54487, and whose date of birth is March 2, 1953, possesses a certificate of licensure as a Licensed Appraiser (#4-1399). The license was first granted on December 20, 2001, and will expire on December 15, 2009.

2. On April 22, 2008, Mr. Beals signed an appraisal report of real property located at W7077 Eagle Lane, Tomahawk, WI (subject property). The subject property was located on a lake-front parcel. The subject property was part of an estate being divided among family members.

3. A review of the appraisal reports shows violations of the applicable Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:

a. USPAP Standards Rule 1-1 (a) and 2-2(b)(ix), by basing location adjustments upon differences in tax assessment data, rather than deriving location adjustments from market data. Additionally, by rejecting a comparable sale located on the same lake as the subject property, at least in part, because the property was sold by the owner rather than listed on the multiple listing service. It is not necessary for a property to be marketed on the multiple listing service in order to be used as a comparable sale.

4. Per Wis. Stat. § 458.26 (3), “... the board may limit, suspend or revoke any certificate under this chapter... if the... board finds that the... holder of the certificate has done any of the following: (b) Engaged in unprofessional... conduct in violation of rules promulgated under s. 458.24.

5. Per Wis. Admin. Code § RL 86.01 (2), "All appraisals performed in conjunction with federally related transactions and non-federally related transactions shall conform to the uniform standards of professional appraisal practice set forth in Appendix I."

### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. By performing appraisals and rendering an appraisal reports that do not conform to the Uniform Standards of Professional Appraisal Practice, as set forth more fully above in paragraph 3 of the Findings of Fact, **Michael D. Beals** has committed two or more violations of Wis. Admin. Code § RL 86.01 (2), thereby subjecting himself to discipline per Wis. Stat. § 458.26 (3) (b).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The certificate of licensure as a Licensed Appraiser (# 4-1399) of **Michael D. Beals** is hereby **LIMITED** as follows: (A) Mr. Beals shall successfully complete no less than THIRTY (30) hours of remedial education, which shall consist of the following course, or an equivalent course if approved in advance by the Board's Monitoring Liaison: Basic Appraisal Procedure. At least 50% of the course hours submitted in compliance with this Order must have been conducted on-site in the presence of an instructor. Successful completion of any course ordered by this paragraph shall be defined to include successful completion of an associated exam, if offered. Any course completed pursuant to this paragraph cannot be counted towards Respondent's continuing education obligations. Mr. Beals must submit proof of successful completion of all hours remedial education ordered under this paragraph by no later than THREE MONTHS from the date that he next applies for renewal of his license. (B) Mr. Beals shall pay the costs of these investigations in the amount of SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) within seven (7) days of the date that he applies for renewal of his license. The limitations ordered by this paragraph shall be automatically removed upon completion of the conditions of this paragraph, and the license shall be renewed without limitation if the conditions of this paragraph are met at or prior to the time of renewal.

3. Proof of completion of coursework, payment of costs, and all other submissions required by the Order shall be mailed, faxed, delivered or otherwise transmitted 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. Case number 08 APP 111 is hereby closed.

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license and certification. The Real Estate Appraisers Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to timely submit any payment of costs as set forth above, or fails to comply with the conditions of this Order, the Respondent's license and certification (#4-1399) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

By: Marla Britton  
A Member of the Board

11/11/09  
Date

**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD**

**IN RE DISCIPLINARY PROCEEDINGS  
AGAINST**

**MICHAEL D. BEALS,**

**RESPONDENT.**

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**STIPULATION**

**LS** \_\_\_\_\_

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Division of Enforcement Case No. 08 APP 111

It is hereby stipulated and agreed, by and between Michael D. Beals, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation against Respondent's licensure and certification by the Division of Enforcement (08 APP 111). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
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 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 Appraisers 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 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, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any person 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 issue the attached Final Decision and Order.

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**MICHAEL D. BEALS**, Respondent  
2205 County Trunk L  
P.O. Box 161  
Tomahawk, WI 54487

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Date

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**MARK A. HERMAN**  
Attorney, Division of Enforcement  
1400 East Washington Avenue  
Madison, WI 53708-8935

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Date