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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST

MICHAEL A. SCHNEIDER,

RESPONDENT.

FINAL DECISION AND ORDER

(Case No. LS9909291APP)

The parties to this proceeding under Wis. Stats. § 227.44, and for the purposes of Wis. Stats. § 227.53, are:

*Michael A. Schneider
c/o Fred Robinson
United States Probation Officer
517 E. Wisconsin Ave. Room 001
Milwaukee, WI 53202*

*Michael A. Schneider
3357 South Sunnyslope Road #403
New Berlin, WI 53151*

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

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

A hearing was held in the above-captioned matter on November 18, 1999. The respondent, Michael A. Schneider, did not appear nor did anyone appear on his behalf. The complainant appeared by attorney, Henry E. Sanders, Department of Regulation and Licensing, Division of Enforcement, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

The Administrative Law Judge issued his proposed decision on March 3, 2000. The parties did not file objections to the proposed decision. The Real Estate Appraisers Board considered the proposed decision on April 26, 2000. Based upon the record herein, the Real Estate Appraisers Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Michael A. Schneider, whose address of record with the Department is 3357 South Sunnyslope Road, #403, New Berlin, WI 53151, was initially licensed as a real estate appraiser on January 1, 1993, under the provisions of Chapter 458, Wis. Stats. Respondent's license expired on December 31, 1997, but because he still has a right to renew his license, the Department still retains jurisdiction over him.

2. By Criminal Indictment dated August 25, 1998, case #98-CR-158, filed in the United States District Court, Eastern District of Wisconsin, filed by United States Attorney, Thomas P. Schneider, for the Eastern District of Wisconsin, Respondent was indicted on four (4) criminal counts, to wit, in pertinent part:

- a. Count One: Between at least on or about November 1, 1996, and on or about April 21, 1998, aiding and abetting a scheme to defraud federally insured financial institutions in violation of Title XVIII, United States Code, Section 1344 . . . that in furtherance of the scheme to defraud, Respondent Schneider did knowingly and intentionally (1) prepare appraisals with inflated values; (2) falsify factual information within appraisals, and (3) falsely represent his credentials as a licensed appraiser, all in violation Title XVIII, USC, Section 2.
- b. Count Two: On or about November 26, 1996, knowingly causing a false statement to be made to Ohio Savings Bank in Cleveland, Ohio via . . . an appraisal submitted by Schneider for property located at 10436-38 West Jonen, Milwaukee, Wisconsin, in the amount of \$132,000.00 for the purpose of influencing Ohio Savings Bank to issue a real estate loan, when Schneider did not believe the property was worth \$132,000.00.
- c. Count Three: Wire Fraud. Between on or about January 1, 1998, and on or about July 24, 1998, knowingly devise and participate in a scheme to defraud mortgage brokers and lenders; and as part of the scheme, Schneider falsely represented that he was a licensed appraiser in the state of Wisconsin, when in fact he was no longer licensed during that time, and as a further part of the scheme, altered an expired license to misrepresent that he was a licensed appraiser through December 31, 1999; and on or about April 20, 1998, for the purpose of executing the scheme, Schneider did cause writings and sounds to be transmitted by means of an interstate wire communication, a facsimile from MCA Mortgage Corporation in Oak Brook Terrace, Illinois, to Schneider in Wisconsin, engaging him for the appraisal of two (2) Milwaukee properties, all in violation of Title XVIII, USC Section 1343.

3. On February 11, 1999, in the United States District Court, Eastern District of Wisconsin, the Honorable District Judge, Lynn Adelman presiding, Respondent pled guilty to Count Three of the Criminal Indictment supra, "knowingly devised and participated in a scheme to defraud mortgage brokers and lenders," concluded on July 24, 1998, in violation of Title XVIII, U.S. Code, Section 1343.

4. Counts One and Two of the Criminal Indictment were dismissed on the motion of the United States. Respondent was ordered committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of four (4) months, and upon his release from imprisonment, he shall be on supervised release for a term of three (3) years.

CONCLUSIONS OF LAW

1. The Real Estate Appraisers Board has jurisdiction in this matter pursuant to Chapter 458, Wis. Stats.
2. Based upon the above findings, Michael A. Schneider has: a) violated sec. 458.055 (1), Wis. Stats., prohibiting the use of the title Wisconsin Certified Appraiser or any similar title without holding an applicable appraiser certificate issued under sec. 458.06, Wis. Stats., b) violated 458.055 (3), Wis. Stats., prohibiting the use of the title Wisconsin Licensed Appraiser or any other similar title unless the person is a certified appraiser or licensed appraiser and c) violated sec. 458.26 (3)(d), Wis. Stats., by having been arrested and convicted of an offense the circumstances of which substantially relate to the practice of an appraiser.
3. Respondent, by failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, is in default under s. RL 2.14, Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license and the right to renew the license of the respondent, Michael A. Schneider, to practice as an appraiser in the state of Wisconsin shall be, and hereby is, revoked.

FURTHERMORE, IT IS ORDERED that the assessable costs of this proceeding be imposed upon the respondent, Michael A. Schneider, pursuant to s. 440.22, Wis. Stats.

This Order is effective on the date on which a designee of the Real Estate Appraisers Board signs it.

EXPLANATION OF VARIANCE

Except as noted below, the Real Estate Appraisers Board adopts the Findings of Fact, Conclusions of Law and Order as proposed by the Administrative Law Judge:

I. Conclusions of Law

- (1) The reference to ch. 448, Stats., found in paragraph 1 of the proposed Conclusions of Law is being changed to ch. 458, Stats., to reflect the correct legal source of the Board's authority.
- (2) Paragraph 3 is being added to reflect that the respondent is in default.

II. Order

- (1) The first paragraph in the proposed order is being revised to reflect that the respondent's license, as well as his right to renew his license, is being revoked.
- (2) The second paragraph in the proposed order imposes costs on Daniel N. Ketchum. That paragraph is being revised to reflect that costs are being imposed on the respondent, Michael A. Schneider.

Dated this 27th day of April 2000.

By: Paul R.Vozar

Chairman, Real Estate Appraisers Board