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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**ORDER DENYING REQUEST
FOR REMOVAL OF LIMITATIONS
LS0106271APP**

**JOHN D. WALSH,
RESPONDENT**

Atty. Joseph P. Earley
Earley Law Offices
1650 South Lake Street
P.O. Box 638
Forest Lake, MN 55025

Atty. Henry E. Sanders
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708

DECISION

On June 27, 2001, the Real Estate Appraisers Board issued a Final Decision and Order adopting a Stipulation filed by the parties in the above-captioned matter. Paragraphs 11-17 of the Stipulation signed by the parties and incorporated into the Final Decision and Order, contain limitations and conditions that the respondent must comply with including, but not limited to, a requirement that he complete 15 hours of commercial appraisal and/or eminent domain appraisal related education; pay \$500.00 in costs and refrain from performing commercial appraisals except under the supervision of another Certified General Appraiser. The minimum term of the supervision is for a period of one year from the date of the Final Decision and Order.

On August 7, 2002, the respondent, by his attorney, submitted a request to the Board for removal of the limitations placed on his Certified General Appraiser certification pursuant to the Board's Final Decision and Order, dated June 27, 2001. In his request, the respondent informed the Board that he had completed the 15 hour education course; paid \$500.00 in costs and refrained from performing commercial and eminent domain type appraisals for a period of one year.

On August 28, 2002, the Board considered respondent's request for removal of the limitations placed on his Certified General Appraiser certification. The Board determined that under paragraph 11 of the Stipulation, respondent's certification is limited for an "indefinite" period of time, not for a period of one year as interpreted by the respondent. In addition, under paragraph 12 of the Stipulation, respondent may not perform commercial or eminent domain type appraisals except under the supervision of and/or assistance of another Certified General Appraiser. As provided in paragraph 13 of the Stipulation, unless the supervision appraiser notifies the Board that respondent's appraisal work complies with USPAP, the term of the required supervision is a "minimal" period of one calendar year from the date of the Board Order.

The Board concluded that, since the respondent has not practiced under the supervision of a Certified General Appraiser, as provided in paragraphs 12 and 13 of the Stipulation, he has not shown that he is capable of performing commercial appraisals and/or eminent domain type appraisals in a competent manner, or that he is capable of practicing in a manner that safeguards the

interests of the public. The mere passage of time is insufficient to establish that respondent is competent to perform commercial appraisals and/or eminent domain type appraisals. Therefore, respondent's request to remove the limitations contained in the Final Decision and Order, dated June 27, 2001, is denied.

Based upon the record herein, including the arguments of the parties, the Real Estate Appraisers Board issued the following order:

ORDER

NOW, THEREFORE, IT IS ORDERED that respondent's request to remove the conditions and limitations places upon his Certified General Appraiser credential pursuant to the Board's Final Decision and Order, dated June 27, 2001, be and hereby is, DENIED.

This order is effective on the date on which it is signed by a designee of the Board.

Dated this 12th day of September 2002.

LaMarr J. Franklin, Chairman
Real Estate Appraisers Board