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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
DANIEL G. QUIRK, : LS0310153APP
RESPONDENT :

Division of Enforcement Case File No. 02 APP 049

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

Daniel G. Quirk
1313 Keup Road
Grafton, WI 53024

Division of Professional Credential Processing
Real Estate Appraisers Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, 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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Daniel G. Quirk (Date of Birth: August 27, 1965)) possesses a certificate of licensure and a certificate of certification to practice as a Certified General Appraiser in the state of Wisconsin and a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin (both using certificate #10-658). These certificates were first granted on November 30, 1994.

2. Mr. Quirk's most recent address known to the Department of Regulation and Licensing is 1313 Keup Road, Grafton, WI 53024.

3. Each person possessing certificates of licensure and certification to practice as a Certified General Appraiser and Licensed Appraiser in the state of Wisconsin must renew those certificates of licensure and certification biennially, by January 1 of each even-numbered year. [Secs. 440.08(2)(a)11 and 440.08(2)(a)12, Stats.]

4. To be eligible to renew certifications of licensure and certification for the next biennial registration period, the licensee must have completed at least 28 hours of approved continuing education in the previous biennial registration period. [Sec. 458.13, Stats. and Wis. Admin. Code § RL 85.01(1)]

5. Prior to January 1, 2002, the Wisconsin Department of Regulation and Licensing sent Mr. Quirk a Real Estate Appraisers Renewal Application to execute and return with the required fee if Mr. Quirk wished to renew his certificates of licensure and certification in the state of Wisconsin for the January 1, 2002, through December 31, 2003, biennium.

That Real Estate Appraisers Renewal Application contains the following language, immediately above the line which Mr. Quirk was to date and sign:

"I HAVE COMPLETED 28 HOURS (INCLUDING AT LEAST 4 HOURS OF PROFESSIONAL STANDARDS AND CODE OF ETHICS) OF DEPARTMENT-APPROVED CONTINUING EDUCATION BETWEEN JANUARY 1, 2000, AND DECEMBER 31, 2001. I HAVE EVIDENCE OF THIS WHICH I WILL FURNISH TO THE DEPARTMENT UPON REQUEST."

That Real Estate Appraisers Renewal Application also contains the following language immediately below the line which Mr. Quirk was to date and sign:

"MAKING A FALSE STATEMENT IN CONNECTION WITH ANY APPLICATION FOR LICENSE IS GROUNDS FOR REVOCATION OR DENIAL OF THAT LICENSE."

7. Mr. Quirk signed and returned the Real Estate Appraisers Renewal Application certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2000, through December 31, 2001. A copy of the Real Estate Appraisers Renewal Application, dated November 19, 2001, is attached as Exhibit A and is incorporated herein by reference.

8. On February 15, 2002, as part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Quirk was sent a letter requesting that he send the Board verification that he had completed the 28 hours of continuing education, which he had claimed to have completed prior to renewing his license for the January 1, 2002, through December 31, 2003, biennium.

9. In April 2002, Mr. Quirk submitted documentation that he had completed 8 hours of continuing education hours during the January 1, 2000, through December 31, 2001, biennium.

10. Mr. Quirk did not complete the required 28 hours of continuing education during the January 1, 2000, through December 31, 2001, biennium, prior to renewing his license for the January 1, 2002, through December 31, 2003, biennium.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter, pursuant to Sec. 458.26, Stats., and Wis. Admin. Code Ch. RL 85.
2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to sec. 227.44(5), Stats.
3. By not completing the required 28 continuing education credits during the required time frame Respondent Quirk has violated:
 - a. Sec. 458.13, Stats. Continuing Education Requirements.
 - b. Sec. 458.26(3)(a), Stats. Made a material misstatement in an application for the certificate or renewal of the certificate or in any other information furnished to the Board or Department.
 - c. Sec. 458.26(3)(b), Stats. Engaged in unprofessional conduct in violation of rules promulgated under Sec. 458.24, Stats.
 - d. Sec. 458.26(3)(i), Stats. Violated this chapter or any rule promulgated under this chapter.
 - e. Wis. Admin. Code Sec. RL 85.01. Continuing Education.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Wisconsin Real Estate Appraisers Board ACCEPTS THE VOLUNTARY SURRENDER of Daniel G. Quirk's certificate of licensure and certificate of certification to practice as a Certified General Appraiser in the state of Wisconsin and Daniel G. Quirk's certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin (both using certificate #10-658).
2. IT IS FURTHER ORDERED that should Mr. Quirk reapply for Wisconsin Real Estate Appraisers certificates of licensure and certificates of certification, the Real Estate Appraisers Board may, in its sole discretion, determine whether, and under what terms and conditions, these certificates may be issued.
3. Upon signing of the attached Stipulation, Mr. Quirk **shall submit all indicia of licensure**. These documents shall be sent to:

Department Monitor
Division of Enforcement
P.O. Box 8935

4. This Order shall become effective upon the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: La Marr Franklin

10-15-2003

A Member of the Board

Date