

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF THE APPLICATION
FOR A REAL ESTATE APPRAISERS LICENSE OF

JIMMY ROBINSON,

LS0310161APP

Applicant

FINAL DECISION

The parties to this proceeding, for the purposes of sec. 227.53, Stats., are:

Jimmy Robinson
2563 North 46th Street
Milwaukee, WI 53210

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

Secretary of the Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

A Class I hearing was conducted in the above-captioned matter on October 29, 2003, at 1400 East Washington Avenue, Madison, Wisconsin. Applicant Jimmy Robinson appeared without legal counsel. The Division of Enforcement appeared by Attorney Colleen M. Baird.

Based upon the entire record in this case, the Department of Regulation & Licensing adopts as its final decision in the matter the following Findings of Fact, Conclusions of Law, Order, and Explanation of Variance.

FINDINGS OF FACT

1. Jimmy Robinson, applicant herein, filed his application for a license to practice as a real estate appraiser in Wisconsin by application dated June 4, 2003.

2. Paragraph 4.A. of the application asks "Have you ever been convicted of a misdemeanor or felony, or driving while intoxicated (DWI), in this or any other state, or are criminal charges currently pending against you? If yes, complete and attach Form #2252." Mr. Robinson responded "YES" to this question, attached Form #2252, and included copies of all records of conviction which were provided to him by the Milwaukee court system. These included substantially all of his convictions.

3. On July 28, 2003, the department issued its Notice of Denial of Mr. Robinson's application. The basis for the denial was stated as follows:

Documentation on file establishes that you have been convicted of misdemeanor and felony crimes, the circumstances of which substantially relate to the practice of real estate appraisal.

The legal basis for this decision is Chap. 458.08 of the Wisconsin Statutes.

458.08 Licensure. . . (2) Application. An application for licensure under this section shall be submitted to the department on a form provided by the department. No initial certificate of licensure may be issued under this section unless all of the following conditions are satisfied:

(a) The applicant is at least 18 years old.

(b) The applicant pays the fee specified in s. 440.05 (1), except as provided in subs. (3m) and (4).

(c) Subject to ss. 111.321, 111.322 and 111.335, the applicant submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.

(d) The applicant attends the educational course and passes the examination described in s. 458.06 (2)(d).

4. The Department listed the following convictions as the basis for the denial decision:

Misdemeanor conviction- issuance of worthless check on January 8, 1985

Felony conviction- forgery uttering (PTAC) on April 8, 1986

Unspecified conviction- retail theft on April 28, 1987

Misdemeanor conviction- retail theft on April 28, 1987

Misdemeanor conviction- retail theft on November 27, 1990

Felony conviction- theft from person PTAC on July 15, 1992

Misdemeanor conviction- retail theft on January 13, 1997

Misdemeanor conviction- obstructing an officer on February 12, 1997

Misdemeanor conviction- retail theft on April 19, 1999

Felony conviction- drive or operate vehicle without consent on August 10, 2000

5. The records of the Crime Information Bureau (CIB) in the Department of Justice indicates that Robinson was convicted of six misdemeanors, three felonies and an unspecified conviction for retail theft (Exhibit 2).

6. Mr. Robinson has had no further convictions since August, 2000. Since that time he has married; and he and his wife have become licensed by the Department of Health & Family Services to maintain a foster home. He has successfully completed a six-month course in real estate appraising at Waukesha Technical College, while continuing his employment as lead carpenter for R&D Construction. He has also successfully completed the state examination on statutes and rules relating to real estate appraisal.

7. The circumstances of the convictions detailed above substantially relate to the circumstances of the practice of a real estate appraiser.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter under § 458.03, Stats.

2. The circumstances of the convictions detailed above substantially relate to the circumstances of the practice of a real estate appraiser within the meaning of § 111.335, Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that Jimmy Robinson be, and hereby is, granted a limited license as a real estate appraiser, upon the following limitations:

A. The effective date of the license shall be the date upon which the department is notified that Mr. Robinson has successfully completed the national examination required for licensure.

B. Mr. Robinson shall practice as a real estate appraiser only as an employee of an employer (Supervising Employer) who is a licensed appraiser or appraisal firm and who agrees to comply with the following:

- i. The Supervising Employer shall review and co-sign all appraisal reports prepared by Mr. Robinson;
- ii. The Supervising Employer shall restrict Mr. Robinson to conducting visual, or exterior appraisal inspections and restrict Mr. Robinson from entering the homes or real property of a client;
- iii. The Supervising Employer shall prepare written quarterly reports according to a schedule established by the Department Monitor describing Mr. Robinson's activities and progress in his employment. The Department Monitor is the individual who coordinates compliance with the terms of this order. The monitor may be reached at:

Department Monitor
Department of Regulation and Licensing
P.O. Box 8935
Madison, Wisconsin 53708-8935
FAX (608) 266-2264
Tel. (608) 267-3817
E-mail: department.monitor@drl.state.wi.us

C. The Supervising Employer shall be a licensed appraiser or licensed appraisal company in good standing, with no prior discipline, and shall submit a statement to the Department Monitor that the Supervising Employer agrees to accept the responsibilities of the Supervising Employer under the terms of this order.

D. Mr. Robinson shall provide a complete copy of the Department's Final Decision and Order, including all attached exhibits, to the Supervising Employer and all future employers, and arrange for those employers to immediately notify the Department Monitor if the Mr. Robinson violates the terms of the order, including but not limited to his probation.

E. Mr. Robinson shall provide a complete copy of the Department's Final Decision and Order, including all attached exhibits, to his probation agent, and arrange for his probation agent to immediately notify the Department Monitor if the applicant violates the terms of the order; including but not limited to the terms of his probation.

F. Mr. Robinson shall be responsible for submission to the Department Monitor of formal written reports

prepared by the Supervising Employer describing Mr. Robinson's activities and progress in his employment on a quarterly basis according to a schedule established by the Department Monitor.

G. Mr. Robinson shall not work simultaneously for more than one employer and shall not work on his own.

H. Mr. Robinson's license shall be subject to immediate suspension without further notice, should he be arrested or convicted of a crime or violate the terms of his limited license.

I. The period of limitation shall be indefinite and subject to on-going review and monitoring by the Department, until such time as the Department removes the limitations. After two years without further arrests or convictions, and with satisfactory quarterly employment reports, Mr. Robinson may petition the department for termination or reduction of the limitations on his license.

EXPLANATION OF VARIANCE

The Findings of Fact and Conclusions of Law of the Administrative Law Judge are adopted in this Final Decision. The Order is modified to require that the period of limitation be an indefinite period and continue until removed by the Department of Regulation and Licensing, to require monitoring of Mr. Robinson's practice utilizing a Supervising Employer who must prepare quarterly reports on the activities of Mr. Robinson, and to require Mr. Robinson to notify his employers and probation agent of this Final Decision. Further, all of Mr. Robinson's appraisal reports must be reviewed and co-signed by the Supervising Employer. Mr. Robinson is restricted in his work to visual, exterior or drive-by inspections and may not enter the property of a client.

The reason for this variance is that respondent's record indicates that he has habitually been involved in criminal activity and insufficient time has passed following his criminal conduct to conclude that he is sufficiently rehabilitated to practice without a Supervising Employer. Real estate appraisal practice requires honesty and integrity. The limitations in the proposed decision are inadequate protection for the public. The additional limitations imposed by this order are necessary during Mr. Robinson's initial period of practice. The order provides that Mr. Robinson may seek to remove the limitation as early as two years from the start of his practice.

Dated this 27th day of January, 2004.

Donsia Strong Hill
Secretary