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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
JOHN W. NAUMAN, : LS0402113APP
RESPONDENT :

Division of Enforcement Case No. 02 APP 047

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

John W. Nauman
1715 Manchester Drive
Grafton, WI 53024

Division of Business Licensure and Regulation
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 Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. John W. Nauman (Date of Birth: November 21, 1927) possesses a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin (license #4-373). This certificate of licensure was first granted on February 11, 1993.
2. Mr. Nauman's most recent address of record with the Department of Regulation and Licensing is 1715 Manchester Drive, Grafton, WI 53024.
3. Each person possessing certificates of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew the certificate of licensure by January 1 of each even-numbered year. [Secs. 440.08(2)(a)12, Stats.]
4. To be eligible to renew the certificate of licensure 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 § RL 85.01(1), Wis. Admin. Code].
5. Prior to January 1, 2002, the Wisconsin Department of Regulation and Licensing sent Mr. Nauman a Real Estate Appraiser Renewal Application form to execute and return with the required fee if Mr. Nauman wished to renew his certificate of licensure in the state of Wisconsin for the January 1, 2002, through December 31, 2003, biennium.

That Real Estate Appraiser Renewal Application contains the following language, immediately above the line which Mr. Nauman was required to complete in order to renew his certificates of licensure, by dating and signing the form:

“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 Appraiser Renewal Application form contains the following language immediately below the line which Mr. Nauman 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.”

6. Mr. Nauman signed and dated and returned the Real Estate Appraiser Renewal Application form certifying that he had completed the continuing education requirements of the Board during the January 1, 2000, through December 31, 2001, period. A copy of the renewal application form, dated November 17, 2001, is attached hereto as Exhibit “A” and is incorporated herein by reference.
7. As part of a random audit which the Board conducted of its licensees, Mr. Nauman 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, 2000, through December 31, 2001, biennium.
8. In February 2002, Mr. Nauman submitted documentation that he had completed 6 hours of continuing education hours during the January 1, 2000, through December 31, 2001, biennium.
9. Mr. Nauman 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 Nauman 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 John W. Nauman’s certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin (certificate #4-373).
2. IT IS FURTHER ORDERED that should Mr. Nauman reapply for Wisconsin Real Estate Appraisers certificate of

licensure, the Real Estate Appraisers Board may, in its sole discretion, determine whether, and under what terms and conditions, the certificate may be issued.

3. Upon signing of the attached Stipulation, Mr. Nauman **shall submit all indicia of licensure.** These documents shall be sent to:

Department Monitor
Division of Enforcement
P.O. Box 8935
Madison, WI 53708

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

REAL ESTATE APPRAISERS BOARD

By: Patrick Buckett 2-11-04
On Behalf of the Board Date