

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: LS0411101APP
:
ROGER D. BUTLER, :
RESPONDENT. :

Division of Enforcement Case No. 04 APP 018

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

Roger D. Butler
Post Office Box 272
Beaver Dam, WI 53916

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

Department of Regulation and Licensing
Division of Enforcement
P.O. 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. Roger D. Butler (Date of Birth: November 10, 1944) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser and a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser in the state of Wisconsin (both using certificate number 9-846). These certificates were first granted on May 3, 1994.
2. Mr. Butler's most recent address known to the Department of Regulation and Licensing is Post Office Box 272, Beaver Dam, WI 53916.
3. Each person possessing certificates of licensure and certification to practice as a Certified Residential Appraiser and a certificate of licensure to practice as a 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)11m and 440.08(2)(a)12, Stats.]
4. To be eligible to renew the certificates of licensure for the next biennial registration period, the licensee must have completed at least 28 hours of Department approved continuing education in the previous biennial registration period. [Sec. 458.13, Wis. Stats. and § RL 85.01(1), Wis. Admin. Code]
5. Prior to January 1, 2004, the Wisconsin Department of Regulation and Licensing sent Mr. Butler a Real Estate Appraiser Renewal Application to execute and return with the required fee if Mr. Butler wished to renew his certificates of licensure in the state of Wisconsin for the January 1, 2004, through December 31, 2005, biennium.

That Real Estate Appraiser Renewal Application contains the following language, immediately above the line which Mr. Butler 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, 2002 AND DECEMBER 31, 2003. I HAVE EVIDENCE OF THIS WHICH I WILL FURNISH TO THE DEPARTMENT UPON REQUEST."

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

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

6. Mr. Butler signed and returned the Real Estate Appraiser Renewal Application certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2002, through December 31, 2003, biennium. A copy of the renewal form, dated December 21, 2003, is attached as Exhibit A and is incorporated herein by reference.

7. On February 9, 2004, as part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Butler was sent a letter requesting that he send the Board verification that he had completed the 28 hours of approved continuing education, which he had claimed to have completed prior to renewing his license for the January 1, 2004, through December 31, 2005, biennium.

8. Mr. Butler never submitted documentation that he had completed the 28 hours of approved continuing education hours during the January 1, 2002, through December 31, 2003, biennium.

9. Mr. Butler did not complete the required 28 hours of approved continuing education during the January 1, 2002, through December 31, 2003, biennium, prior to renewing his license for the January 1, 2004, through December 31, 2005, biennium.

10. Mr. Butler made a material misstatement on his December 21, 2003, renewal application when he attested that he had completed 28 hours of approved continuing education during 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 Roger D. Butler 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 Requirements.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Roger D. Butler (certificate #9-846) is hereby **REPRIMANDED**.
2. Within **one hundred twenty (120) days** of the effective date of this Order, Mr. Butler must provide proof sufficient to the Real Estate Appraisers Board that he has completed 28 hours of Board approved continuing education, which shall only be applied to the credit hours Mr. Butler should have obtained during the January 1, 2002 through December 31, 2003 biennium.
3. **IT IS FURTHER ORDERED** that Mr. Butler shall pay a forfeiture in the amount of **five hundred dollars (\$500.00)**; and the **amount of two hundred dollars (\$200.00)** partial **assessment of costs** of this proceeding, all to be paid within **one hundred twenty (120) days** of the effective date of the Board's Order adopting the Stipulated Agreement (The effective date of the board's Order is the date of signing by the Board's chair or his designee).
4. The assessed forfeiture and partial assessment of costs shall be payable by cashier's check or money order made payable to the Department Monitor (Place case number on the check or money order and the words "Forfeiture" and/or "Costs").

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935

5. If Roger D. Butler shall fail to complete the continuing education and pay the forfeiture and partial assessment of costs, or fails to obtain a written extension from the Board to complete same, then Roger D. Butler shall be considered to be in violation of the Board's Order and may be subjected to further discipline.
 - a. The Department of Regulation and Licensing, pursuant to Sec. 458.26(5), Stats., reserves the right to appeal the Board's Final Decision and Order.

REAL ESTATE APPRAISERS BOARD

La Marr Franklin
On Behalf of the Board

11-10-04
Date