

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
: LS0411105APP  
BRIAN K. GORGES, :  
RESPONDENT. :

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**Division of Enforcement Case No. 04 APP 012**

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Brian K. Gorges  
313 West Crossing Meadows Lane  
Appleton, WI 54913

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. Brian K. Gorges (Date of Birth: June 22, 1959) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser (using certificate number 4-1105). This certificate was first granted on March 10, 1998, and is current until December 31, 2005.
2. Mr. Gorges's most recent address known to the Department of Regulation and Licensing is 313 West Crossing Meadows Drive, Appleton, WI 54913.
3. Each person possessing a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew those certificate of licensure biennially, by January 1 of each even-numbered year. [Wis. Stat. sec. 440.08(2)(a)12]
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 Department approved continuing education in the previous biennial registration period. [Wis. Stat. sec. 458.13. and Wis. Admin. Code § RL 85.01(1)]
5. Prior to January 1, 2004, the Wisconsin Department of Regulation and Licensing sent Mr. Gorges a Real Estate Appraiser Renewal Application to execute and return with the required fee if Mr. Gorges wished to renew his certificates of certification and 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. Gorge was to date and sign:

“I have completed 28 hours of Department-approved education credits, including at least 4 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), 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. Gorges was to date and sign:

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

6. Mr. Gorges 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. A copy of the renewal form, dated November 10, 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. Gorges was sent a letter requesting that he send the Board verification that he had completed the 28 hours of approved continuing education, which he claimed to have completed prior to renewing his license for the January 1, 2004, through December 31, 2005, biennium.
8. Mr. Gorges submitted documentation that he had completed 21 hours of approved continuing education hours during the January 1, 2002, through December 31, 2003, biennium. He later completed 7 additional hours of approved continuing education hours after December 31, 2003. Those 7 additional hours were applied to the January 1, 2002, through December 31, 2003, biennium.
9. Mr. Gorges 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. Gorges 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 Wi. Stat. sec. 458.26, and Wis. Admin. Code Ch. RL 85.
2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).
3. By not completing the required 28 continuing education credits during the required time frame Brian K. Gorges has violated:
  - a. Wis. Stat. sec. 458.13. Continuing Education Requirements.
  - b. Wis. Stat. sec. 458.26(3)(a). 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. Wis. Stat. sec. 458.26(3)(b), Stats. Engaged in unprofessional conduct in violation of rules promulgated under Wis. Stat. sec. 458.24.
  - d. Wis. Stat. sec. 458.26(3)(i). 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. Brian K. Gorges (certificate #4-1105) is hereby **REPRIMANDED**.
2. **IT IS FURTHER ORDERED** that Mr. Gorges 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).
3. 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
4. If Brian K. Gorges shall fail to pay the forfeiture and partial assessment of costs, or fails to obtain a written extension from the Board to complete same, then Brian K. Gorges 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 Wis. Stat. sec. 458.26(5), 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