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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	LS0503024APP
JANE A. LYNAUGH,	:	
RESPONDENT.	:	

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

Jane A. Lynaugh
Post Office Box 628031
Middleton, WI 53562

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

Wisconsin 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. Jane A. Lynaugh (Date of Birth: September 19, 1950) 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 009-0000493). These certificates were first granted on October 28, 1992 and are current through December 31, 2005.
2. Ms. Lynaugh's most recent address known to the Department of Regulation and Licensing is Post Office Box 628031, Middleton WI 53532.
3. Each person possessing a certification 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 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 [Wis. Stat. secs. 440.08 (2)(a)11m and 440.08 (2)(a)12].
4. To be eligible to renew the certificate of licensure for the next biennial registration period, the credential holder (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 sec. RL 85.01(1)].
5. Prior to January 1, 2004, the Wisconsin Department of Regulation and Licensing sent Ms. Lynaugh a Real Estate Appraiser Renewal Application to execute and return with the required fee if Ms. Lynaugh wished to renew her 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 Ms. Lynaugh 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 Ms. Lynaugh 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. Ms. Lynaugh signed and returned the Real Estate Appraiser Renewal Application certifying that she 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 Real Estate Appraiser Renewal Application, dated December 24, 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, Ms. Lynaugh was sent a letter requesting that she send the Board verification that she had completed the 28 hours of approved continuing education, which she had claimed to have completed prior to renewing her license for the January 1, 2004 through December 31, 2005 biennium.

8. Ms. Lynaugh submitted documentation that she had completed 12 hours of approved continuing education hours during the January 1, 2002 through December 31, 2003 biennium. She later reported that she had also obtained 18 additional credits in 2004 which she sought to apply to the January 1, 2002 through December 31, 2003 biennium.

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

10. Ms. Lynaugh made a material misstatement on her December 21, 2003 renewal application when she attested that she 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 Wis. 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 Jane A. Lynaugh 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). 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. Jane A. Lynaugh (certificate #009-0000493) is hereby **REPRIMANDED**.
2. IT IS FURTHER ORDERED that Ms. Lynaugh shall within **one hundred twenty (120) days** of the effective date of the Board's Order adopting the Stipulated Agreement pay a forfeiture in the amount of **five hundred dollars (\$500.00)** and partial assessment of costs of this proceeding in the amount of **two hundred dollars (\$200.00)**. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Facsimile: (608) 266-2264
3. If Jane A. Lynaugh shall fail to pay the forfeiture and partial assessment of costs, then Jane A. Lynaugh 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.
4. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: La Marr Franklin
On Behalf of the Board

3-2-05
Date