

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 |
| | : | LS0503027APP |
| MONIQUE C. MYHRE, | : | |
| RESPONDENT. | : | |

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

Monique C. Myhre
17145 Judith Lane
Brookfield, WI 53005

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. Monica C. Myhre (Date of Birth: June 30, 1961) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser in the state of Wisconsin (using certificate number 4-1298). This certificate was first granted on April 12, 2000, and is current until December 31, 2005.
2. Ms. Myhre's most recent address known to the Department of Regulation and Licensing is 17145 Judith Lane, Brookfield, WI 53005.
3. Each person possessing a certificate 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. 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 Ms. Myhre a Real Estate Appraiser Renewal Application to execute and return with the required fee if Ms. Myhre wished to renew her certificates of licensure in the state of Wisconsin for the January 1, 2004, through December 31, 2005, biennium.
6. Ms. Myhre sent back the Renewal Application with the required renewal fee but neglected to sign the form. Ms. Myhre was sent a Notice of Incomplete Application for her to sign.

That Notice of Incomplete Application contains the following language, immediately above the line which Ms. Myhre 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 Notice of Incomplete Application contains the following language immediately below the line which Ms. Myhre was to date and sign:

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

7. Ms. Myhre signed and returned the Notice of Incomplete 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 Notice of Incomplete Application, dated December 27, 2003, is attached as Exhibit A and is incorporated herein by reference.

8. On February 9, 2004, as part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Ms. Myhre 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.

9. Ms. Myhre submitted documentation to show that she had only completed 25 hours of approved continuing education hours during the January 1, 2002, through December 31, 2003, biennium.

10. Ms. Myhre 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. On May 1, 2004, she completed a 6 hour course that she sought to apply towards the 2002-2003 biennium. Such course will be applied towards the 2002-2003 continuing education requirements and cannot be used to satisfy her continuing education requirements for the 2004-2005 period.

11. Ms. Myhre made a material misstatement on her December 21, 2003, Notice of Incomplete Renewal 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 Monique C. Myhre 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. Monique C. Myhre (certificate #4-1298) is hereby **REPRIMANDED**.
2. **IT IS FURTHER ORDERED** that Ms. Myhre 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
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264
4. If Monique C. Myhre shall fail to pay the forfeiture and partial assessment of costs, , then Monique C. Myhre 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

By: La Marr Franklin
A Member of the Board

3-2-05
Date