

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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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**
MICHAEL P. CLOVER, : **LS0505111APP**
RESPONDENT. :

Division of Enforcement Case File # 04 APP 047

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

Michael P. Clover
2329 E. Clairemont Ave.
Eau Claire, WI 54701

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

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 disposition 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. **Michael P. Clover**, date of birth 07/14/54, is a licensed certified general appraiser and a licensed appraiser in the State of Wisconsin, license # 10-270, which was first granted on 07/16/92. Mr. Clover's most recent address on file with the Department of Regulation and Licensing is 2329 E. Clairemont Ave., Eau Claire, WI 54701.

2. On or about December 30, 2003, David A. Prock (licensee) forwarded to the Department of Regulation and Licensing a request to change his license status from non-AQB certified, to conforming to AQB on the Federal Registry.

3. As part of the process to obtain AQB compliant listing on the Federal Registry, the Department requested copies of three appraisals that Mr. Prock completed. These appraisals were reviewed by the Department and it was determined that the three appraisals did not meet the Uniform Standards of Professional Appraisal Practice (USPAP). Specifically,

With regard to the appraisal of property at W7041 Olmstead Road in Winter, Wisconsin, Mr. Prock failed to satisfy

- Standards Rule 1-2 (c)
- Standards Rule 1-3 (a) and (b)
- Standards Rule 1-4 (a), (b) (3) and (4), (e) and (i)
- Standards Rule 1-4 (e)
- Standards Rule 1-5 (b) (2)

and by the above failures, Mr. Prock failed to satisfy

- Standards Rule 1-1 (a) and (c).

With regard to the appraisal of property at 617 Cochrane St., in Eau Claire, Wisconsin, Mr. Prock failed to satisfy
- Standards Rule 1-4 (b) (3)
and by the above failure, Mr. Prock failed to satisfy
- Standards Rule 1-1 (a) and (c).

With regard to the appraisal of property at N12763 Kay Est Lane, in Trempealeau, Wisconsin, Mr. Prock failed to satisfy
- Standards Rule 1-4 (b) (2) and (3),
and by the above failures, Mr. Prock failed to satisfy
- Standards Rule 1-1 (a) and (c).

4. The three appraisals that Mr. Prock forwarded to the Department were completed under the supervision of Mr. Clover. By signing each of the appraisals as the Supervising Appraiser, Mr. Clover was responsible for their content, as explained in the Comment to Standards Rule 2-3.

5. Because the appraisals provided by Mr. Prock failed to meet USPAP, the Department of Regulation and Licensing denied his request to change his National Registry status.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraiser's Board has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 458.26, and is authorized to enter in the attached Stipulation pursuant to Wis. Stat. sec. 227.44 (5).

2. Mr. Clover's inadequate supervision of Mr. Prock's appraisals, as described in paragraphs 3 and 4 above, constitutes a violation of Wis. Admin. Code § RL 86.01 (1) and Wis. Stat. § 458.26 (3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Michael P. Clover**, license #10-270 be, and hereby is, **Limited**;

a. Respondent shall cease any and all supervisory responsibilities to any and all other licensee for a period of six (6) months commencing 5 days from the date of this Order.

b. Respondent shall successfully complete Appraisal Institute course #710, Condemnation Appraising, Basic Principles and Applications, which shall not count or be credited toward Respondent's required continuing education, and submit proof of the same in the form of verification from the institution providing the education to the Department's Monitor.

c. Following successful completion of the Board ordered education, Respondent may continue supervisory responsibilities without further order of the Board.

d. Once Respondent begins supervisory responsibilities, Respondent shall forward to the Department three (3) samples of appraisals from those appraisers that Respondent has supervised every quarter for a period of three (3) years. The Department will review the appraisals for compliance with all rules and regulations for certified general appraisers. Appraisals should be sent to the address listed below.

f. Respondent shall, within 90 days of the date of this Order, pay a forfeiture in the amount of \$2,400.00.

g. Respondent shall, within 90 days of the date of this Order, pay costs of this proceeding in the amount of \$600.00. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing

2. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license to practice as a certified general appraiser in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order; the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.
3. This Order shall become effective upon the date of its signing.
4. File 04 APP 047 be, and hereby is, closed.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

May 11, 2005
Date