

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD**

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<b>IN THE MATTER OF THE DISCIPLINARY</b>	:	
<b>PROCEEDINGS AGAINST</b>	:	
	:	<b>FINAL DECISION AND ORDER</b>
<b>WILLIAM H. CULLINANE</b>	:	
	:	<b>LS0603014APP</b>
<b>RESPONDENT.</b>	:	

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Division of Enforcement Case No. 04 APP 051

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

William H. Cullinane  
S64 W25450 Meyers Dr.  
Waukesha, WI 53189

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 these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board (Board). The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent William H. Cullinane (“Respondent”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is S64 W25450 Meyers Drive, Waukesha Wisconsin 53189, holds a certificate of licensure as a certified residential appraiser (#9-790). He was first granted the license and certificate on December 28, 1993, pursuant to Wis. Stat. ch. 458. The license and certification will expire on December 14, 2007.

2. On or about July 26, 2004, the U.S. Department of Housing and Urban Development (“HUD”) notified Respondent of its intention to remove Respondent from the FHA Appraiser Roster based upon a failure to comply with HUD guidelines and the 2003 Edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”). Following the receipt of a letter from Respondent regarding the allegations, Respondent was removed from the FHA Appraisal Roster for no less than a period of twelve months. On September 1, 2004, HUD sent a letter to the Department of Regulation and Licensing regarding this matter.

3. While it appears that not all of HUD’s criticisms of the Respondent’s work are accurate or logical, and while HUD standards are not within the jurisdiction of the Board, having reviewed the evidence in this matter, Respondent has violated the following USPAP provisions:

- a. USPAP Standards Rule 1-2(a), by failing to identify the intended user in the report;
- b. USPAP Standards Rule 1-2(e), by failing to include a complete legal description for the properties appraised and incorrectly reporting the size of one lot in the appraisals reviewed;
- c. USPAP Standards Rule 1-3(a), by failing to correctly identify the zoning classifications of the properties reviewed; and
- d. USPAP Standards Rule 1-4(a) by incorrectly reporting that a comparable had a partial basement, rather than a full basement.

4. There is no evidence of intent to create a misleading report, and Respondent has not previously been disciplined by the Wisconsin Real Estate Appraisers Board.

## CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stats. § 458.26.
2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44(5).
3. Respondent violated USPAP Standards Rules 1-2(a), 1-2(e), 1-3(a) and 1-4(a), as set forth above in paragraph 3 of the Findings of Fact.

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. In lieu of receiving a reprimand, Respondent shall take and successfully complete the following as remedial education which shall not count towards his continuing education requirements within six months of the date of signing of this Order: Residual Market Analysis and Highest and Best Use, or equivalent if approved by the Board's monitoring liaison.

IT IS FURTHER ORDERED that:

2. Respondent shall pay costs of this proceeding in the amount of six hundred and fifty (\$650.00) dollars within sixty (90) days of the signing of this Order.
3. All payments and information required by this order to be submitted to the Department Monitor shall be mailed or delivered to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935 , Madison, WI 53708-8935  
Telephone (608) 261-7904, Fax (608) 266-2264

4. Case number 04 APP 051 is hereby closed.
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license and certification. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that the Respondent fails to timely submit any payment of the partial cost as set forth above, or fails to comply with the ordered continuing education the Respondent's license and certification (#9-790) SHALL BE SUSPENDED, without further notice or hearing until Respondent has complied with the terms of this Order.
6. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
A Member of the Board

3/1/06  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
WILLIAM H. CULLINANE,	:	
	:	LS0603014APP
RESPONDENT.	:	

Division of Enforcement Case No. 04 APP 051

It is hereby stipulated and agreed, by and between William H. Cullinane, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigation relating to William H. Cullinane (Respondent), by the Division of Enforcement (04 APP 051). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board’s order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board’s final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

**WILLIAM H. CULLINANE**

Respondent  
S64 W25450 Meyers Drive  
Waukesha, WI 53959

Date

**MARK A. HERMAN**

Attorney, Division of Enforcement  
1400 East Washington Avenue  
Madison, WI 53708-8935

Date