

# 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  
: LS06101812APP  
BRIAN K. GORGES, : RESPONDENT.

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**Division of Enforcement Case No. 06 APP 037**

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

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

Real Estate Appraisers Board  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 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 14, 2007.
2. Mr. Gorges' most recent address known to the Department of Regulation and Licensing (hereinafter Department) is 313 West Crossing Meadows Lane, Appleton, Wisconsin 54913.
3. Mr. Gorges was reprimanded by the Wisconsin Real Estate Appraiser Board in 2004 for failure to complete the required number of continuing education hours during the 2002-2003 license period and for making a material misstatement attesting completion of the required continuing education on a 2003 renewal application. Mr. Gorges was reprimanded and ordered to pay a forfeiture and costs.
4. 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.]
5. 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)]
6. Prior to January 1, 2005, the Department sent Mr. Gorges a Licensed Appraiser Renewal Application to execute and return with the required fee if Mr. Gorges wished to renew his certificate of licensure in the state of Wisconsin for the January 1

2005, through December 14, 2007, biennium.

That Licensed Appraiser Renewal Application contains the following language, immediately above the line which Mr. Gorges was to date and sign:

“I have completed 28 hours of Department-approved education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.”

That Licensed 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.”

7. On November 14, 2005, Mr. Gorges signed and returned the Licensed Appraiser Renewal Application certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2004, through December 31, 2005. A copy of the Licensed Appraiser Renewal Application, dated November 14, 2005, is attached as Exhibit A and is incorporated herein by reference.

8. On January 27, 2006, 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 certificates for the January 1, 2005, through December 14, 2007, biennium.

9. Mr. Gorges submitted documentation that he had completed 28 hours of approved continuing education hours during the January 1, 2004, through December 31, 2005, biennium. One of the courses submitted by Mr. Gorges, however, was taken and completed in 2003. That course was not included in the total for the 28 hours of approved continuing education needed and Mr. Gorges, consequently, did not have the required approved continuing education hours need in the January 1, 2004, through December 31, 2005, biennium. Mr. Gorges completed only 21 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium.

10. Mr. Gorges did not complete the required 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium, prior to renewing his certificate of licensure for the January 1, 2006, through December 14, 2007, biennium.

11. Mr. Gorges made a material misstatement on his November 14, 2005, Licensed Appraiser Renewal Application when he attested that he had completed 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, 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 hours 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 § RL 85.01. Continuing Education Requirements.

## **ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED that:**

1. Brian K. Gorges (certificate #4-1105) is hereby **SUSPENDED for a period of thirty (30) days. The suspension shall start fifteen days after the effective date of this Order.**
  2. Within **one hundred twenty (120) days** of the effective date of this Order, Mr. Gorges must provide proof sufficient to the Board that he has completed 28 hours of approved continuing education, which shall only be applied to the credit hours Mr. Gorges should have obtained during the January 1, 2004, through December 31, 2005, biennium.
  3. **IT IS FURTHER ORDERED** that Mr. Gorges shall pay a forfeiture in the amount of **five hundred dollars (\$500.00)**, and the **amount of one hundred twenty-five dollars (\$125.00) for full 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.
  4. The assessed forfeiture and full 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, Wisconsin 53708-8935
5. If Brian K. Gorges fails to provide proof sufficient to the Board concerning the continuing education, fails to pay the forfeiture and full 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.
  6. The effective date of the board's Order is the date of signing by the Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
On Behalf of the Board

10-18-2006  
Date

CREDENTIAL NO.  
0001105-004

GRANT DATE: 03/10/1998

State of Wisconsin  
DEPARTMENT OF REGULATION AND LICENSING  
LICENSED APPRAISER

STATUS  
ACTIVE

PIN: HRHX7X

12/31/2005 231.00  
If late, add \$25.00

Am't Pd. \$ 231.00

PLEASE COMPLETE THE BACK OF THIS FORM IN ORDER TO RENEW

Payment by Credit Card: ☐ VISA ☐ MASTERCARD ☐ AMEX ☐ DISCOVER Exp. Date \_\_\_\_\_  
☐ Signature \_\_\_\_\_

PLEASE PRINT NAME/ADDRESS  
CHANGES IN SPACE BELOW

☐ PLEASE DO NOT DISCLOSE MY NAME/ADDRESS ON LISTS

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
PO BOX 2974  
MILWAUKEE WI 53201-2974

BRIAN K GORGES  
313 W CROSSING MEADOWS LN  
APPLETON WI 54913

DO NOT WRITE BELOW THIS POINT

00400011050002310000256003

TO AVOID A LATE PENALTY FEE, YOUR RENEWAL APPLICATION AND FEE MUST ACTUALLY BE RECEIVED BY THE DEPARTMENT ON OR BEFORE THE DUE DATE. THE DATE OF MAILING, AS INDICATED BY A POSTMARK, IS NOT EVIDENCE OF RECEIPT.

FULL PAYMENT INCLUDING ANY PENALTY FEES THAT MAY APPLY MUST BE RECEIVED BY THE DEPARTMENT BEFORE YOUR LICENSE WILL BE ISSUED. IF YOU DO NOT APPLY FOR RENEWAL BY THE RENEWAL DEADLINE, YOUR LICENSE WILL EXPIRE AND YOU MAY NOT USE CERTAIN TITLES, AS NOTED ABOVE.

0000386 0016 05 000056 0011 111505 REGS & LICENSING 610

PLEASE COMPLETE THE FOLLOWING INFORMATION WHICH IS REQUIRED IN ORDER TO RENEW YOUR LICENSE:

☒ I have completed 28 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.

OR

☐ If initial credential was granted in 2005, I have completed 14 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2004 and December 31, 2005. I have evidence of this which I will furnish to the Department upon request.

Date: 12/14/05

Signature: 

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

STATE'S  
EXHIBIT

A

IN THE MATTER OF \_\_\_\_\_ :  
 DISCIPLINARY PROCEEDINGS AGAINST \_\_\_\_\_ :  
 \_\_\_\_\_ : LS# \_\_\_\_\_  
 BRIAN K. GORGES, \_\_\_\_\_ :  
 RESPONDENT. \_\_\_\_\_ :

8. The Division of Enforcement joins Brain K. Gorges in recommending the Board adopt this Stipulation and issue the

attached Final Decision and Order.

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**Brian K. Gorges**  
Respondent  
313 West Crossing Meadows Lane  
Appleton, Wisconsin 54913  
License Number: 4-1105

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Date

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**John C. Temby**  
Attorney  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

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Date