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

:

ROCHELLE L MORRISON, : LS06101820APP

RESPONDENT.

Division of Enforcement Case No. 06 APP 045

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

Rochelle L. Morrison 2597 Haven Rd. Green Bay, WI 54313

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. Rochelle L. Morrison (Date of Birth: 07/31/70) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser (certificate number 4-1467). This certificate was first granted on July 2, 2002, and is current through December 14, 2007.
- 2. Ms. Morrison's most recent address known to the Department of Regulation and Licensing is 2597 Haven Rd., Green Bay, WI 54313.
- 3. Each person possessing certificates of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew that certificate 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 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 December 31, 2005, the Wisconsin Department of Regulation and Licensing sent Ms. Morrison a Real Estate Appraiser Renewal Application. The application was to be returned with the required fee if Ms. Morrison wished to renew her certificate of licensure in the state of Wisconsin for the January 1, 2006, through December 14, 2007, biennium. The printed Real Estate Appraiser Renewal Application that Ms. Morrison received contains the following language:

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

- 6. Ms. Morrison elected to renew her certificate of licensure by completing a Real Estate Appraiser Renewal Application, certifying that she had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2004, through December 31, 2005, biennium.
- 7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Ms. Morrison was sent a letter, dated January 27, 2006, 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 certificate of licensure for the January 1, 2006, through December 14, 2007, biennium.
- 8. On February 13, 2006, Ms. Morrison forwarded the requested information to the Department, including a certificate from the Northeast Wisconsin Technical College showing that Ms. Morrison had completed 20 hours of Appraisal-Cost Approach. The Department attempted to verify the information from the Northeast Wisconsin Technical College and was told that the school did not offer the Appraisal-Cost Approach class that year.
- 9. Ms. Morrison did not complete the required 28 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium, prior to renewing her certificates for the January 1, 2006, through December 14, 200 7, biennium.
- 10. Ms. Morrison made a material misstatement on her renewal application when she attested that she 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 credits during the required time frame Rochelle L. Morrison 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 1. Rochelle L. Morrison (certificate #4-1467) is hereby REPRIMANDED.
- 2. That Ms. Morrison shall pay a **forfeiture** in the amount of **FIVE HUNDRED dollars (\$500.00)** within 120 days from the date of this Order.
- 3. That Ms. Morrison shall pay **costs** in the amount of **ONE HUNDRED AND FIFTY dollars (\$150.00)** within 120 days from the date of this Order.

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
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

- 4. 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. 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 Respondent fails to timely submit any payment of the forfeiture or costs as set forth above, Respondent's license # 4-1467 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.
 - 5. This Order shall become effective upon the date of its signing.
 - 6. File 06 APP 045 be, and hereby is, closed.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel

10-18-2006

On Behalf of the Board

Date

STATE OF WISCONSIN BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF : DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION	I	
ROCHELLE L MORRISON, RESPONDENT.	: : :	LS	APP	

Division of Enforcement Case No. 06 APP 045

It is hereby stipulated between Rochelle L. Morrison, Respondent, and John C. Temby, Attorney for the Department o Regulation and Licensing, Division of Enforcement, as follows:

- 1. This Stipulation is entered into as a result of a pending investigation of Ms. Morrison by the Division of Enforcemen (06 APP 045). Ms. Morrison consents to the resolution of this investigation by stipulation and without the issuance of a forma complaint.
- 2. Ms. Morrison understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegation by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to cal witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to an 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 Statutes, and the Wisconsin Administrative Code.
- 3. Ms. Morrison is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
- 4. Ms. Morrison agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraiser Board (hereinafter "Board"). The parties to the Stipulation consent to the entry of the attached Final Decision and Orde without further notice, pleading, appearance or consent of the parties. Ms. Morrison 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 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 the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Ms. Morrison 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.
- 7. Ms. Morrison is informed that should the Board adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.
 - 8. The Division of Enforcement joins Rochelle L. Morrison in recommending the Board adopt this Stipulation and

Darkella I. Mandara	D-4-	
Rochelle L. Morrison	Date	
Respondent		
2597 Haven Rd.		
Green Bay, WI 54313		
License number: 4-1467		
John C. Temby	Date	
Attorney	2	
Division of Enforcement		
Department of Regulation and Licensing		
Post Office Box 8935		
Madison, WI 53708-8935		

issue the attached Final Decision and Order.