

# 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
	:	
JOY A. NEWTON,	:	LS06101822APP
RESPONDENT.	:	

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Division of Enforcement Case No. 06 APP 047

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

Joy A. Newton  
208 Evergreen St.  
Dousman, WI 53118

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. Joy A. Newton (Date of Birth: 02/17/69) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser (certificate number 4-1536). This certificate was first granted on 3/14/03 and is current through 12/14/07.

2. Ms. Newton's most recent address known to the Department of Regulation and Licensing is 208 Evergreen St., Dousman, WI 53118.

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. Newton a Real Estate Appraiser Renewal Application. The application was to be returned with the required fee if Ms. Newton 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. Newton received contains the following language:

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

6. Ms. Newton 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. Newton 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 1, 2006, Ms. Newton submitted the requested course information. After reviewing Ms. Newton's information the Department established the following; one course was not approved by the Department; a course provider was not approved by the Department; and two courses were not completed during the 2004-2005 biennium.

9. Therefore, Ms. Newton 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, 2007, biennium.

10. The Department received a facsimile from Ms. Newton of a Certificate of Completion for the course entitled "Appraising the Oddball." This certificate was issued to Ms. Newton on March 5, 2002, for the completion of seven continuing education credits. Ms. Newton now fulfills the 2004-2005 requirement by having completed 28 continuing education credits.

11. Ms. Newton 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 as required, Joy A. Newton 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. **Joy A. Newton** (certificate #4-1536) is hereby **REPRIMANDED**.

2. That Ms. Newton 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. Newton shall pay **costs** in the amount of **ONE HUNDRED dollars (\$100.00)** 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 # 4-1536 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 047 be, and hereby is, closed.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
On Behalf of the Board

10-18-2006  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF \_\_\_\_\_ :  
DISCIPLINARY PROCEEDINGS AGAINST \_\_\_\_\_ : STIPULATION  
\_\_\_\_\_  
JOY A. NEWTON, \_\_\_\_\_ : LS \_\_\_\_\_ APP  
RESPONDENT. \_\_\_\_\_ :

Division of Enforcement Case No. 06 APP 047

It is hereby stipulated between Joy A. Newton, Respondent, and John C. Temby, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Newton by the Division of Enforcement (06 APP 047). Ms. Newton consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Newton 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 allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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, and the Wisconsin Administrative Code.
3. Ms. Newton 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. Newton agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (hereinafter "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. Ms. Newton 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. Newton 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. Newton 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 Joy A. Newton in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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**Joy A. Newton**

Respondent

208 Evergreen St.

Dousman, WI 53118

License number: 4-1536

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Date

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**John C. Temby**

Attorney

Division of Enforcement

Department of Regulation and Licensing

PO Box 8935

Madison, WI 53708-8935

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Date