

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
:
CHARLES M. SWANSON, : LS06101825APP
RESPONDENT. :

Division of Enforcement Case No. 06 APP 034

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

Charles M. Swanson
1229 W. Washington St.
Marquette, MI 49855

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. **Charles M. Swanson** (D/O/B: 05/28/46) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified General Appraiser in the state of Wisconsin (certificate number 10-254). This certificate was first granted on 05/20/92.

2. Mr. Swanson's most recent address known to the Department of Regulation and Licensing is 1229 W. Washington St., Marquette, MI 49855.

3. Each person possessing certificates of licensure and certification to practice as a Certified General Appraiser in the state of Wisconsin must renew the certificate of licensure and certification 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 certificates of licensure and certification 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 Mr. Swanson a Real Estate Appraiser Renewal Application to execute and return with the required fee if Mr. Swanson wished to renew his certificates of licensure and certification in the state of Wisconsin for the January 1, 2006, through December 14, 2007, biennium. The printed Real Estate Appraiser Renewal Application that Mr. Swanson received contains the following

language:

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

6. Mr. Swanson filled out the Real Estate 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, biennium.

7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Swanson was sent a letter, dated January 27, 2006, requesting that he send the Board verification that he had completed the 28 hours of approved continuing education, which he had claimed to have completed prior to renewing his certificates of licensure and certification for the January 1, 2006, through December 14, 2007, biennium.

8. On or about January 31, 2006, Mr. Swanson faxed his continuing education records to the Department. After reviewing the information the Department determined that Mr. Swanson completed only 7 hours of Wisconsin approved continuing education.

9. On or about February 21, 2006, the Department notified Mr. Swanson that all but 7 hours of his continuing education was not approved in the State of Wisconsin. In his response Mr. Swanson explained that because he was meeting the Michigan continuing education requirements and the Appraisal Institute continuing education requirements he believed he was also meeting the Wisconsin continuing education requirements. In February 2006, Mr. Swanson did complete an additional 14 hours of Wisconsin approved continuing education courses.

10. Mr. Swanson 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 certificates for the January 1, 2006, through December 14, 2007, biennium.

11. Mr. Swanson made a material misstatement on his 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 credits during the required time frame Charles M. Swanson 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. **Charles M. Swanson** (certificate #10-254) is hereby **REPRIMANDED**.

2. Within **one hundred twenty (120) days** of the effective date of this Order, Mr.

Swanson must provide proof sufficient to the Board that he has completed 7 hours of approved continuing education, which shall only be applied to the credit hours Mr. Swanson should have obtained during the 2004/2005 biennium.

3. That Mr. Swanson shall pay a **forfeiture** in the amount of **FIVE HUNDRED dollars (\$500.00)** within 120 days from the date of this Order.

4. That Mr. Swanson 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

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. 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, or fails to complete the education requirement as set forth above, Respondent's license # 10-254 SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order shall become effective upon the date of its signing.

7. File 06 APP 034 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
 :
 :
CHARLES M SWANSON, : LS _____ APP
RESPONDENT. :
 :

Division of Enforcement Case No. 06 APP 034

It is hereby stipulated between Charles M. Swanson, 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 Mr. Swanson by the Division of Enforcement (06 APP 034). Mr. Swanson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Swanson understands that by the signing of 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Swanson is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Swanson 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. Mr. Swanson 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 Mr. Swanson or his 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. Mr. Swanson 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 Mr. Swanson in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Charles M. Swanson

Respondent

1229 W. Washington St.

Marquette, MI 49855

License number: 10-254

Date

John C. Temby

Attorney

Division of Enforcement

Department of Regulation and Licensing

Post Office Box 8935

Madison, WI 53708-8935

Date