

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
:
TODD A. WOJCIUK, : LS06101829APP
RESPONDENT. :

Division of Enforcement Case No. 06 APP 026

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

Todd A. Wojciuk
1316 E Broadway
Waukesha, WI 53186

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. **Todd A. Wojciuk** (D/O/B: 01/01/62) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified Residential Appraiser in the state of Wisconsin (certificate number 9-600). This certificate was first granted on 02/03/93.

2. Mr. Wojciuk's most recent address known to the Department of Regulation and Licensing is 1316 E. Broadway, Waukesha, WI 53186.

3. Each person possessing certificates of licensure and certification to practice as a Certified Residential 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. Wojciuk a Real Estate Appraiser Renewal Application to execute and return with the required fee if Mr. Wojciuk 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. Wojciuk received contains the following

language:

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

6. Mr. Wojciuk 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. Wojciuk 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 February 23, 2006, Mr. Wojciuk submitted continuing education documentation to the Department. That information was reviewed by the Department and it was established that one course was not approved by the Department.

9. Mr. Wojciuk 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.

10. Mr. Wojciuk 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 Todd A. Wojciuk 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. **Todd A. Wojciuk** (certificate #9-600) is hereby **REPRIMANDED**.

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

Wojciuk 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. Wojciuk should have obtained during the 2004/2005 biennium.

3. That Mr. Wojciuk 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. Wojciuk shall pay **costs** in the amount of **SEVENTY FIVE dollars (\$75.00)** 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 # 9-600 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 026 be, and hereby is, closed.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel 10-18-2006
On Behalf of the Board Date

IN THE MATTER OF _____ :
DISCIPLINARY PROCEEDINGS AGAINST _____ : STIPULATION
: _____
: _____
TODD A. WOJCIUK, : LS _____ APP
RESPONDENT. : _____

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

2. Mr. Wojciuk 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.

4. Mr. Wojciuk 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. Wojciuk waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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. Wojciuk 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.

8. The Division of Enforcement joins Mr. Wojciuk in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Todd A. Wojciuk

Respondent

1316 E. Broadway

Waukesha, WI 53186

License number: 9-600

Date

John C. Temby

Attorney

Division of Enforcement

Department of Regulation and Licensing

Post Office Box 8935

Madison, WI 53708-8935

Date