

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 :
STEPHEN D. BOLL, : FINAL DECISION AND ORDER
RESPONDENT. : LS0610187APP

Division of Enforcement Case No. 06 APP 027

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

Stephen D. Boll
6840 South 35th Street
Franklin, Wisconsin 53132

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. Stephen D. Boll (Date of Birth: May 31, 1967) possesses a certificate of licensure and a certificate of certification to practice in the state of Wisconsin as a Certified General Appraiser and Licensed Appraiser (certificate number 10-872). These certificates were first granted on June 16, 1997, and are current through December 14, 2007.
2. Mr. Boll's most recent address known to the Department of Regulation and Licensing (hereinafter Department) is 6840 South 35th Street, Franklin, Wisconsin 53132.
3. Each person possessing certificates of licensure and certification to practice as a Certified General Appraiser and Licensed Appraiser in the state of Wisconsin must renew those certificates of licensure and certification biennially, by January 1 of each even-numbered year. [Wis. Stat. secs. 440.08(2)(a)11.]
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 Department sent Mr. Boll a Certified General Appraiser and Licensed Appraiser Renewal Application to execute and return with the required fee if Mr. Boll wished to renew his certificates of licensure and certification in the state of Wisconsin for the January 1, 2006, through December 14, 2007, biennium. That Certified General Appraiser and Licensed Appraiser Renewal Application contains the following language, immediately above the line which Mr.

Boll 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 Certified General Appraiser and Licensed Appraiser Renewal Application contains the following language immediately below the line which Mr. Boll was to date and sign:

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

6. On December 31, 2005, Mr. Boll filled out and signed the Certified General Appraiser and 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, biennium. A copy of the Certified Residential Appraiser and Licensed Appraiser Renewal Application, dated December 31, 2005, is attached as Exhibit A and is incorporated herein by reference.

7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Boll 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. Mr. Boll submitted documentation that he had completed 30 hours of approved continuing education hours during the January 1, 2004, through December 31, 2005, biennium. One of the courses completed by Mr. Boll, however, was not approved by the Department of Regulation and Licensing. That course was not included in the total for the 28 hours of approved continuing education needed and Mr. Boll, consequently, did not have the required approved continuing education hours need in the January 1, 2004, through December 31, 2005, biennium. Mr. Boll completed only 23 hours of approved continuing education during the January 1, 2004, through December 31, 2005, biennium. Mr. Boll completed 7 hours of approved continuing education hours in April of 2006. Mr. Boll wanted the 7 additional hours to be attributed to the January 1 2004, through December 31, 2005, biennium.

9. Mr. Boll 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. Boll made a material misstatement on his December 31, 2005, Certified General Appraiser and 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 Stephen D. Boll 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

State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CERTIFIED GENERAL APPRAISER AND LICENSED APPRAISER

RECEIPT

CREDENTIAL NO.
0000872-010

STATUS: ACTIVE

*Done
CP
1-6-06*

PLEASE PRINT NAME/ADDRESS
CHANGES IN SPACE BELOW

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
PO BOX 8835
MADISON WI 53708

STEPHEN D BOLL
6640 S 35TH ST
FRANKLIN WI 53132

DO NOT WRITE BELOW THIS POINT

#010R

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.

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

I have completed 26 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: 12-31-05

Signature: *SJ Boll*

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

STATE'S
EXHIBIT
A

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
STEPHEN D. BOLL, : STIPULATION
RESPONDENT. : LS# _____

Division of Enforcement Case No. 06 APP 027

It is hereby stipulated between Stephen D. Boll, 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. Boll by the Division of Enforcement (06 APP 027). Mr. Boll consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Boll 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. Boll 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. Boll 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. Boll 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. Boll 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. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Mr. Boll 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 Stephen D. Boll in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Stephen D. Boll

Respondent

6840 South 35th Street

Franklin, Wisconsin 53132

License number: 10-872

Date

John C. Temby

Attorney

Division of Enforcement

Department of Regulation and Licensing

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date