

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :

FOR CERTIFICATION AS A : **FINAL DECISION AND ORDER**

CERTIFIED GENERAL APPRAISER OF :

DANIEL J. SWEENEY, : **LS0803312APP**

APPLICANT. :

DOE Case No. 08 APP 035

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Daniel J. Sweeney
700 RayOVac Drive
Madison, WI 53711

Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

After the Department denied Mr. Sweeney's application and Mr. Sweeney filed an appeal of that decision, a formal proceeding in this matter was commenced on March 31, 2008 by the filing of a Notice of Hearing with the Department of Regulation and Licensing. Prior to a hearing on the appeal, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Department. The Department Secretary or her designee has reviewed this Stipulation and considers it acceptable. Accordingly, the Department of Regulation and Licensing adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Daniel J. Sweeney is licensed in the State of Wisconsin as a Real Estate Appraiser and certified as a Certified Residential Appraiser, with license number 52-9, which was first issued on August 16, 1991.

2. Mr. Sweeney's most recent address on file with the Department of Regulation and Licensing ("Department") is 700 RayOVac Drive, Madison, WI 53711.

3. Mr. Sweeney applied to the Department of Regulation and Licensing for certification as a Certified General Appraiser, and by February of 2008, he had completed all of the requirements for certification as a Certified General Appraiser except for verification of acceptable experience.

4. Mr. Sweeney submitted appraisal reports for property at 205 South Klein Drive in Waunakee and 1915 Branch Street in Middleton as evidence of experience. These reports were reviewed by the Application Review Committee, which determined that they were not in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), and Mr. Sweeney's application was denied by the Department on February 5, 2008.

5. On March 10, 2008, Mr. Sweeney filed an appeal of the Department's decision and requested a hearing.

6. Mr. Sweeney was asked to submit two additional commercial reports for review, which he did on July 2, 2008. These reports were reviewed by a member of the Application Review Committee, who determined that the reports, especially one prepared recently on January 21, 2008, demonstrated Mr. Sweeney's ability to appraise commercial property in compliance with USPAP.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to section 458.06 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. The applicant, Daniel J. Sweeney, has satisfied all the requirements for certification as a Certified General Appraiser under sec. 458.06 (3), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that the application for certification as a Certified General Appraiser of Daniel J. Sweeney is hereby approved.

IT IS FURTHER ORDERED that file 08 APP 035 be closed.

Dated this 28th day of July, 2008.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Celia M. Jackson
Secretary