

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 LICENSURE AS A CERTIFIED :
RESIDENTIAL APPRAISER OF : FINAL DECISION AND ORDER
:
JOHN A. MURPHY, : LS0804302APP
:
APPLICANT. :
:

Division of Enforcement Case No. 08 APP 039

The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

John A. Murphy
P.O. Box 823
Brookfield, WI 53008

Department of Regulation and Licensing
Office of the Secretary
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

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 Secretary of the Department of Regulation and Licensing (“Secretary”). The Secretary has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. John A. Murphy (“Murphy”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is P.O. Box 823, Brookfield, WI 53008 submitted an application for certification and licensure as a Certified Residential Appraiser. After review of work samples submitted by Mr. Murphy, the Department’s Real Estate Appraiser Application Advisory Committee recommended that the Department deny Mr. Murphy’s application because his work experience did not substantially comply with the Uniform Standards of Professional Appraisal Practice, contrary to Wis. Admin. Code § RL 83.01 (1a), (3) (a). The Secretary accepted this recommendation, and denied certification and licensure to Mr. Murphy.
2. In the course of these proceedings many of the issues raised by the reviewer have been addressed by the Mr. Murphy.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stats. § 458.06.
2. The Wisconsin Department of Regulation and Licensing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44 (5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **John A. Murphy's** hours of experience submitted as part of an application for the issuance of a certificate of certification and certificate of licensure as a Certified Residential Appraiser are hereby accepted. A certificate and license shall be issued upon successful completion of all other requirements and the payment of all fees associated with the credential.

IT IS FURTHER ORDERED that:

2. Case number 08 APP 039 is hereby closed.
3. This Order is effective on the date of its signing.

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: **Celia M. Jackson, Secretary**

4/30/08

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION	:	
FOR LICENSURE AS A CERTIFIED	:	
RESIDENTIAL APPRAISER OF	:	STIPULATION
	:	
JOHN A. MURPHY,	:	LS _____
	:	
APPLICANT.	:	

Division of Enforcement Case No. 08 APP 039

It is hereby stipulated and agreed, by and between John A. Murphy, Applicant; and Mark A. Herman, attorney for the State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a request for hearing regarding the denial of an application for licensure and certification as a certified residential appraiser of John A. Murphy (“Applicant”), by the Department of Regulation and Licensing (“Department”) (08 APP 039). Applicant consents to the resolution of this matter by stipulation and without hearing or the issuance of a notice of hearing.
2. Applicant understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing, at which time he has the burden of proving his qualification and fitness for licensure 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 Real Estate Appraisers Board (“Board”); 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Applicant has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Applicant agrees to the adoption of the attached Final Decision and Order by the 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. Applicant 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 then 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 may appear before the Board in open or closed session, without the presence of the Applicant 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 their consideration of the Stipulation.
7. Applicant is informed that should the Board adopt this Stipulation, the Board’s final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Applicant in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

John A. Murphy
Applicant
P.O. Box 823
Brookfield, WI 53008

Date

MARK A. HERMAN
Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date