

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DENIAL OF THE :
APPLICATION FOR LICENSURE AS A : **FINAL DECISION AND ORDER**
REAL ESTATE APPRAISER OF :
JAMES P. GEIBL, : LS0810223APP
APPLICANT. :

Division of Enforcement case file 08 APP 082

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

James P. Geibl
2400 South 52nd Street
Milwaukee, WI 53219

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 disposition of this matter, subject to the approval of the Department of Regulation and Licensing (“Department”). The Department Secretary or her Designee has reviewed this Stipulation and considers it acceptable. Accordingly, the Department adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On October 24, 2007, James P. Geibl applied for licensure as a Real Estate Appraiser in the State of Wisconsin. Mr. Geibl’s most recent address on file with the Department is 2400 South 52nd Street, Milwaukee, WI 53219.
2. By February, 5, 2008, Mr. Geibl had satisfied all the requirements for licensure except proof of experience and payment of the Federal Registry fee.
3. As proof of experience, Mr. Geibl filed a roster of appraisal work and, upon request from the Department, he submitted copies of appraisal reports for properties at 9444 & 9474 South Chicago Road in Oak Creek, 17585 West North Avenue in Brookfield, and 1700 Progress Way in Kaukauna for review.
4. The appraisal reports were all signed by Robert S. Trapp, a Certified General Appraiser. None of the reports was signed by Mr. Geibl. All three reports stated that James Geibl “assisted the appraiser in inspecting the property, gathering rental data, researching and taking photographs of market data”.
5. The Real Estate Appraiser Application Review Committee formed the opinion that those statements in all three reports “suggest to the client that Mr. Geibl’s participation in the appraisal process is relatively insignificant compared to Mr. Trapp”, and therefore that “the activities of Mr. Geibl as stated in the Appraiser Certification do not rise to the level of full participation in the appraisal process”.
6. Mr. Geibl’s application was denied on August 5, 2008, and Mr. Geibl filed a timely request for a hearing

on the denial.

7. Mr. Geibl filed a statement that he performed 100% of the appraisal work under the supervision of Mr. Trapp, and Mr. Trapp filed a statement that Mr. Geibl participated in 100% of the work under his supervision.

8. The Uniform Standards of Professional Appraisal Practice (USPAP) require the following in Standard Rule (SR) 2-3: "The names of individuals providing significant real property appraisal assistance who do not sign a certification must be stated in the certification. It is not required that the description of their assistance be contained in the certification, but disclosure of their assistance is required ...".

9. In the opinion of the Case Advisor assigned to this case by the Real Estate Board, Mr. Geibl did not violate SR 2-3 or any other provision of USPAP by the manner in which his participation in the three appraisal reports was stated.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to section 458.08 (3) of the Wisconsin Statutes and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. The appraisal reports submitted by James P. Geibl in support of his application for licensure as a Real Estate Appraiser are satisfactory proof of experience and compliance with USPAP, as required by sec. 458.08 (3) (c), Wis. Stats, and chapter RL 83 of the Wisconsin Administrative Code.

ORDER

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

IT IS FURTHER ORDERED that the appraisal reports submitted by James P. Geibl in support of his application be accepted as satisfactory proof of experience and compliance with USPAP, and that upon completion of all other requirements -- specifically the payment of the Federal Registry fee -- the Applicant, James P. Geibl, be issued a license as a Real Estate Appraiser in the State of Wisconsin.

IT IS FURTHER ORDERED that file 08 APP 082 be closed.

Dated this 22nd day of October, 2008.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: Secretary Celia M. Jackson