

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : FINAL DECISION AND ORDER
DALE M. NEWMAN, :
 : LS08111915APP
 :
RESPONDENT. :

Division of Enforcement Case No. 07 APP 125, 07 APP 137 and 07 APP 149

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

Dale M. Newman
N6867 Tu Lakes Road
Scandinavia, WI 54977

Real Estate Appraisers Board
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 these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board. The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Dale M. Newman ("Newman"), whose last known address of record with the Department of Regulation and Licensing ("Department") is N6867 Tu Lakes Road, Scandinavia, WI 54977, and whose date of birth is September 1, 1944, holds a certificate of certification and certificate of licensure as a certified residential appraiser in the state of Wisconsin (#9-435). The certificate was first granted on May 29, 1992, and will expire on December 15, 2009.
2. The Division of Enforcement has determined that it would be appropriate to pursue disciplinary action against Mr. Newman regarding appraisals that are the subject of case numbers 07 APP 125, 07 APP 137 and 07 APP 149.
3. In lieu of contesting the allegations in case numbers 07 APP 125, 07 APP 137 and 07 APP 149, Mr. Newman has offered to Voluntarily Surrender his license and certificate, and the right to renew them.
4. Mr. Newman has previously been disciplined by the Board. Specifically, in Order #LS07091213APP/DOE case number 06 APP 113, dated September 12, 2007, the Board found that Mr. Newman made inconsistent adjustments of approximately \$15,000, and used gross and inaccurate generalizations when describing properties. Mr. Newman was ordered to complete remedial education in lieu of a reprimand, and to pay costs in the amount of \$1,500.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.

2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The offer of Respondent **Dale M. Newman** to **VOLUNTARILY SURRENDER** his license and certification (#9-4) hereby **ACCEPTED**. Mr. Newman has already submitted all indicia of licensure in his possession.

IT IS FURTHER ORDERED that:

2. **Dale M. Newman** shall pay the costs of these investigations in these matters, in the amount of one thousand dollars (\$1,000.00). Costs shall be immediately due and owing on the date that the Department of Regulation and Licensing receives an application from Mr. Newman for any license administered by it.

3. All payments required by this Order shall be submitted to the Department Monitor by mailing or delivering the same 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

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and result in a summary suspension of Respondent's license and certification. The Real Estate Appraisers Board in its discretion may alternatively impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to timely submit any payment of costs as set forth above, or fails to comply with the education the Respondent's license and certification (#9-105) SHALL BE SUSPENDED, without further notice or hearing, unless Respondent has complied with the terms of this Order.
5. Case numbers 07 APP 125, 07 APP 137 and 07 APP 149 are hereby closed.
6. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A Member of the Board

11/19/08
Date

**STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD**

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **STIPULATION**
DALE M. NEWMAN, :
 : **LS** _____
 :
RESPONDENT. :

Division of Enforcement Case No. 07 APP 125, 07 APP 137 and 07 APP 149

It is hereby stipulated and agreed, by and between Dale M Newman, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a pending investigations of Respondent's licensure by the Division of Enforcement (07 APP 125, 07 APP 137 and 07 APP 149). Respondent consents to the resolution of these investigations by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing 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 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, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has had the opportunity to obtain the advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (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. Respondent 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 and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any person 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. Respondent 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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DALE M. NEWMAN

Respondent

N6867 Tu Lakes Road

Scandinavia, WI 54977

Date

MARK A. HERMAN

Attorney, Division of Enforcement

1400 East Washington Avenue

Madison, WI 53708-8935

Date