

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : **ORDER OF**
 : **SUMMARY SUSPENSION**
SHAWN R. SEEWALD, :
RESPONDENT. : LS0908128APP

Division of Enforcement Case No. 08 APP 021

The Petition for Summary Suspension dated August 7, 2009 was noticed to be presented at 9:15 a.m. on August 12, 2009, or as soon thereafter as it could be heard. At that time, attorney Lara M. Herman appeared for the Petitioner, Department of Regulation and Licensing, Division of Enforcement. Respondent appeared in person, unrepresented.

The Wisconsin Real Estate Appraisers Board, having considered the sworn August 7, 2009 Petition for Summary Suspension by Petitioner, the August 10, 2009 Affidavit of Mailing of the Notice of Petition for Summary Suspension and Petition for Summary Suspension of Lara M. Herman, the August 11, 2009 Affidavit of Douglas A. Austin, the August 11, 2009 Affidavit of Sharon Henes, the statements of Sharon Henes, the statements of Respondent Shawn R. Seewald, the August 12, 2009 Education Transcript from the Appraisal Institute, and having heard the arguments of attorney Lara M. Herman and Respondent, hereby makes the following:

FINDINGS OF FACT

1. Shawn R. Seewald, Respondent, date of birth April 29, 1975, is a Licensed Appraiser in the State of Wisconsin having license #4-1749, which was first granted on 03/04/04 and is current through 12/14/2009.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3413 328th Street Burlington, WI 53105.
3. Respondent was given proper notice of the Petition for Summary Suspension pursuant to Wis. Admin. Code RL 6.05 by Petitioner mailing copies of the Notice of Petition for Summary Suspension and the Petition for Summary Suspension to the Respondent's last known address of record with the Department of Regulation and Licensing. Notice is complete upon mailing.
4. The Board issued a Final Decision and Order on September 12, 2007, in a disciplinary proceeding against Respondent that required Respondent to complete the following six educational courses by September 12, 2008:

- USPAP 15-hour course (15 hours)
- Residential Sales Comparison and Income Approaches (30 hours)
- Advanced Sales Comparison and Cost Approaches (40 hours)
 - Advanced Residential Applications and Case Studies, Part 1 (15 hours)
- Quality Assurance in Residential Appraisals: Risky Appraisals = Risky Loans (7 hours)
- Condominiums, Co-ops and PUDs (7 hours)

5. An Education Transcript for Respondent, printed from the Appraisal Institute website on the day the Petition was presented to the Board, shows that Respondent successfully completed the following two required educational courses: (1) Condominiums, Co-ops and PUDs (7.0 hours), completed on August 26, 2008 on-line; and (2) Quality Assurance in Residential Appraisals (7.0 hours), completed on March 28, 2008 in Milwaukee, WI.

6. The Appraisal Institute has no record of Respondent ever taking the other four educational courses required by the Board's September 12, 2007 Order.

7. The Department Monitor received no direct communication from Respondent about his Board-ordered education at any point in time.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter pursuant to Wis. Stat. § 458.26 and has authority to summarily suspend Respondent's real estate appraiser license pursuant to Wis. Stat. § 227.51(3) and Wis. Admin. Code § RL 6.

2. There is probable cause to believe that Respondent violated the September 12, 2007 Final Decision and Order of the Board by failing to successfully complete four educational courses required to be completed by September 12, 2008.

3. The Board's Final Decision and Order of September 12, 2007 provides that the Board can summarily suspend Respondent's license for violating that Final Decision and Order.

4. By Respondent's failure to complete four of the six Board-ordered educational courses that were due to be completed by September 12, 2008, there is probable cause to believe that Respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of Respondent's license.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the real estate appraiser license of Shawn R. Seewald, #4-1749, be and is summarily suspended.

IT IS FURTHER ORDERED that the suspension order is in effect and continues until the effective date of a final decision and order in the disciplinary proceeding against Respondent.

IT IS FURTHER ORDERED that Respondent is hereby notified of his right, pursuant to Wis. Admin. Code § RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Real Estate Appraisers Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED that Respondent is hereby notified that in the event he requests a hearing to show cause why the summary suspension should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

By: Marla K. Britton
A Member of the Board

8/12/09
Date

To: Shawn R. Seewald
3413 328th Street
Burlington, WI 53105

NOTICE OF RIGHT TO SHOW CAUSE

PLEASE TAKE NOTICE that you have the right to request a hearing following the issuance of this order to show cause why the order should not be continued until the effective date of a final decision and order. A request to show cause must be filed with the Wisconsin Real Estate Appraisers Board, P.O. Box 8935, Madison, WI 53708. If a hearing to show cause is requested, the hearing shall be scheduled before an Administrative Law Judge on a date within twenty (20) days of the date of receipt by the Department of the request for hearing, unless you request or agree to a later time.

If a hearing to show cause is held, you may testify as well as the petitioner. You and the petitioner may call witnesses and examine and cross-examine them. The petitioner will have the burden to show why the order should be continued. At the conclusion of the hearing, the Administrative Law Judge will make findings of fact and conclusions of law and recommend a final decision and order to the Real Estate Appraiser Board. If it is determined that the summary suspension should not be continued, your license will be restored to you.