

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
LANCE A. CLOUTIER, : LS0910072APP
:
RESPONDENT. :

Division of Enforcement Case File # 08 APP 049

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

Lance A. Cloutier
10587 253rd Street§
Chisago City, MN 55013

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 this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, subject to the approval of the Real Estate Appraisers Board (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 Lance A. Cloutier (Cloutier), whose last known address of record with the Department of Regulation and Licensing (Department) is 10587 253rd Street, Chisago City, MN 55013, and whose date of birth is September 24, 1951, possesses a certificate of licensure as a licensed appraiser (#4-1823). The license was first granted on July 16, 2004, and will expire on December 15, 2009.

2. On February 27, 2008, the Real Estate Appraisers Board (Board) entered an Order concerning Mr. Cloutier's license, LS#0802272APP. Per the terms of the Order Mr. Cloutier was to complete two courses as remedial education within one year of the date of entry of the Order. To date, Mr. Cloutier has not completed the required coursework. Mr. Cloutier has complied with other terms of the Order, including payment of costs and the suspension of his license for 30 days.

3. Mr. Cloutier represents that he is not currently practicing as an appraiser in the state of Wisconsin, and has been unable to complete the required remedial education due to personal issues.

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).

3. By failing to complete remedial education as required by a Board Order, LS#0802272APP, **Lance A. Cloutier** has engaged in conduct evincing an inability to apply professional principles, thereby subjecting himself to discipline per Wis. Stat. § 458.26(3)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Lance A. Cloutier's** certificate of licensure as a licensed appraiser (license # 4-1823), shall be, and hereby is, SUSPENDED. The suspension shall be lifted only upon the occurrence of the following three conditions. (a) Mr. Cloutier shall complete all courses as required by LS#0802272APP, or equivalent courses if approved in advance by the Department's Monitoring Liaison. (b) No sooner than 30 days after the completion of all courses, as set forth in the preceding sentence, Mr. Cloutier shall submit a roster of appraisals, from which the Board's Monitoring Liaison shall select three for review. If the appraisals reviewed are found to have USPAP violations then the suspension may be continued, other discipline may be sought, or both, in the discretion of the Monitoring Liaison. (c) Mr. Cloutier shall pay the costs of this matter in the amount of \$300.00.

IT IS FURTHER ORDERED that:

2. All submissions and payments required by this Order shall be mailed, faxed, delivered or otherwise transmitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817 Fax (608) 266-2264

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license (4-1823). The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit any payment as set forth above (if any), or fails to cause the Department Monitor to timely receive the results of an audit, as described above, any appraisal license held by Respondent SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order, and with the suspension called for in this Order not to begin until the other terms of the Order have been complied with.

4. Case number 08 APP 049 is hereby closed.

5. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A Member of the Board

10/7/09
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
 :
LANCE A. CLOUTIER, : LS _____
 :
RESPONDENT. :

Division of Enforcement Case File # 08 APP 049

It is hereby stipulated and agreed, by and between Lance A. Cloutier, 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 investigation against Respondent’s licensure by the Division of Enforcement (08 APP 049). Respondent consents to the resolution of this matter 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 been provided with the opportunity to obtain 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.

Lance A. Cloutier, Respondent
10587 253rd Street
Chisago City, MN 55013§

Date

Mark A. Herman, Attorney
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

Date