

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
: LS0911119APP
MARK BLUE, :
RESPONDENT. :

Division of Enforcement Case No. 09 APP 064

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Mark Blue
20 250th Street
Baldwin, Wisconsin 54002

Real Estate Appraisers Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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 Real Estate Appraiser Board. The Real Estate Appraiser Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Real Estate Appraiser Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Mark Blue (Date of Birth: March 10, 1958) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser (certificate number 4-1924). That certificate was first granted on October 6, 2005, and is current through December 14, 2009.
2. Mr. Blue's most recent address known to the Department of Regulation and Licensing (hereinafter Department) is 20 250th Street, Baldwin, Wisconsin 54002.
3. Each person possessing a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew the certificate licensure biennially, by December 15 of each odd-numbered year. [Wis. Stat. secs. 440.08(2)(a)12.]
4. To be eligible to renew his certificate of licensure for the next biennial registration period, Mr. Blue must have completed at least 28 hours of Department approved continuing education in the previous biennial registration period. [Wis. Stat. sec. 458.13, and Wis. Admin. Code § RL 85.01(1)]
5. Prior to December 14, 2007, the Department sent Mr. Blue a Licensed Appraiser Renewal Application to execute and return with the required fee if Mr. Blue wished to renew his certificate of licensure in the state of Wisconsin for the December 15, 2007, through December 14, 2009, biennium. Mr. Blue elected to renew his certificate of licensure on the on-line Renewal

Application form available at the Department's website. The on-line Licensed Appraiser Renewal Application contained the following language:

"I have completed 28 hours of Department-approved education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2006 and December 14, 2007. I have evidence of this which I will furnish to the Department upon request."

6. Mr. Blue electronically filled out the on-line Licensed Appraiser Renewal Application on or about November 6, 2007, certifying that he had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2006, through December 14, 2007, biennium.
7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Mr. Blue was sent a letter requesting that he send the Board verification that he had completed the 28 hours of approved continuing education, which he had claimed to have completed prior to renewing his certificate of licensure for the December 15, 2007, through December 14, 2009, biennium.
8. Mr. Blue submitted documentation that he had completed 30 hours of approved continuing education hours during the January 1, 2006, through December 14, 2007, biennium. One of the courses completed by Mr. Blue, however, was not approved by the Department. That course was not included in the total for the 28 hours of approved continuing education needed and Mr. Blue, consequently, did not have the required approved continuing education hours need in the January 1, 2006, through December 17, 2007, biennium. Mr. Blue completed only 24.5 hours of approved continuing education during the January 1, 2006, through December 14, 2007, biennium.
9. Mr. Blue did not complete the required 28 hours of approved continuing education during the January 1, 2006, through December 14, 2007, biennium, prior to renewing his certificate for the December 15, 2007, through December 14, 2009, biennium.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter, pursuant to Wis. Stat. sec. 458.26, and Wis. Admin. Code Ch. RL 85.
2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).
3. By not completing the required 28 continuing education hours during the required time frame, Mark Blue has violated:
 - a. Wis. Stat. sec. 458.13 - Continuing Education Requirements.
 - b. Wis. Stat. sec. 458.26(3)(b) - Engaged in unprofessional conduct in violation of rules promulgated under Wis. Stat. sec. 458.24.
 - c. Wis. Stat. sec. 458.26(3)(i) - Violated this chapter or any rule promulgated under this chapter.
 - d. Wis. Admin. Code § RL 85.01 - Continuing Education Requirements.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the license of Mark Blue (# 4-1924) to practice as a licensed

appraiser in the state of Wisconsin is hereby accepted.

IT IS FURTHER ORDERED that:

2. Mr. Blue shall not seek to renew, or request reinstatement or re-apply for licensure to practice as a licensed appraiser in the State of Wisconsin for a minimum of three (3) years from the date of this Order.
3. In the event that Mr. Blue seeks to renew or reinstate his license to practice as a licensed appraiser in the State of Wisconsin, he shall submit a new application for licensure and meet all then-existing requirements for licensure.
4. In the event that Mr. Blue seeks to renew or reinstate his license to practice as an licensed appraiser, or in the event that he seeks to obtain any other license administered by the Department, costs in the amount of \$100.00 and a forfeiture in the amount of \$175.00 shall be immediately due and owing.
5. In the event that Mr. Blue seeks to renew or reinstate his license to practice as a licensed appraiser in the State of Wisconsin, the Wisconsin Real Estate Appraisers Board may determine whether and under what terms and conditions such request may be granted.
6. Mr. Blue shall not practice as a licensed appraiser or attempt to practice as one in the State of Wisconsin without being licensed in Wisconsin, whether by reciprocity, temporarily or otherwise.
7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. The Real Estate Appraiser Board may, in its discretion, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
8. The effective date of this Order is the date of signing by the Real Estate Appraiser Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
On Behalf of the Board

11/11/09
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
 : LS# _____
MARK BLUE, :
RESPONDENT. :

Division of Enforcement Case No. 09 APP 064

It is hereby stipulated between Mark Blue, Respondent, and Mark A. Herman, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Blue by the Division of Enforcement (09 APP 064). Mr. Blue consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Mr. Blue understands that by the signing of 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 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 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, and the Wisconsin Administrative Code.
3. Mr. Blue is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Mr. Blue agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (hereinafter “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. Mr. Blue 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 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 the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Mr. Blue 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 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. Mr. Blue is informed that should the Board adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.

8. The Division of Enforcement joins Mark Blue in recommending the Real Estate Appraiser Board adopt this Stipulation and issue the attached Final Decision and Order.

Mark Blue
Respondent
20 250th Street
Baldwin, Wisconsin 54002
License Number: 4-1924

Date

Mark A. Herman
Attorney
Division of Enforcement
Post Office Bx 8935
Madison, Wisconsin 53708-8935

Date