

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :
FOR LICENSURE AS A CERTIFIED :
RESIDENTIAL APPRAISER OF : FINAL DECISION AND ORDER
:
BYRON MILLER. : LS0912102APP
:
APPLICANT. :

Division of Enforcement Case No. 09 APP 056

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

Byron Miller
4028 Pleasant Avenue S.
Minneapolis, Minnesota 55409-1545

Department of Regulation and Licensing
Office of the Secretary
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 this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing (“Secretary”). The Secretary has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. On March 31, 2009, the Department of Regulation and Licensing (“Department”) received an application for certification and licensure as a Certified Residential Appraiser from Byron Miller, date of birth: 03/19/61. Mr. Miller’s current address with the Department is: 4028 Pleasant Avenue S., Minneapolis, Minnesota 55409-1545. Mr. Miller also is currently licensed in the State of Wisconsin as a Licensed Appraiser, having license #4-1643. This license was granted on: 10/08/03.
2. A standard application review was conducted of Mr. Miller’s application for certification and licensure as a Certified Residential Appraiser. As part of the application process, Mr. Miller submitted three appraisal work samples as part of his experience requirement.
3. A member of the Department’s Real Estate Appraiser Application Advisory Committee (“Committee”) reviewed the work samples submitted by Mr. Miller. On May 20, 2009, the reviewer recommended that the Department deny Mr. Miller’s application because his work samples did not comply with the Uniform Standards of Professional Appraisal Practice (“USPAP”), contrary to section 458.06 of the Wisconsin Statutes and RL 83.01 of the Wisconsin Administrative Code. On June 16, 2009, a Notice of Denial was sent to Mr. Miller.
4. On July 9, 2009, Mr. Miller made a timely request for a denial hearing. The request was subsequently granted.
5. After further review and receipt of additional information from Mr. Miller, the following conclusion has been reached. The issues identified by the Committee constitute minor USPAP violations, and do not warrant the continued denial of a license. Specifically, the Committee found that Mr. Miller failed to provide additional analysis in his work samples and was in violation of S.R. 1-4a Sales Comparison Approach. According to the reviewer, Mr. Miller failed to provide any explanation for the lack of age, quality, or condition adjustments that provided for a reasoned value conclusion on any of the three work samples. Follow-up communication with the reviewer stated that the work samples were not egregious and that

real estate appraiser education in the subject matter of Sales Comparison and Income Approach would adequately address the concerns noted in Mr. Miller's work samples.

6. In resolution of this matter, Mr. Miller consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stats. § 458.06.
2. The Wisconsin Department of Regulation and Licensing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44 (5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Byron Miller's** hours of experience submitted as part of an application for the issuance of a certificate of certification and certificate of licensure as a Certified Residential Appraiser shall be accepted upon receipt of proof of successful completion of the following educational course:

Thirty (30) hours of the **Sales Comparison and Income Approach** course, offered by the Appraisal Institute Education. This course may be taken in person or on-line.

The **Sales and Comparison Income Approach** course must be completed within one year from the date of signing of this Order

A certificate and license shall be issued upon successful completion of all other requirements and the payment of fees associated with the credential. Mr. Miller will not have to re-submit payment on any application fees that have already been paid for with respect to the application in this matter.

IT IS FURTHER ORDERED that:

2. Case number 09 APP 056 is hereby closed as to Byron Miller.
3. This Order is effective on the date of its signing.

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: **Celia M. Jackson, Secretary**

12/10/09