

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	:	
GENERAL APPRAISER OF	:	FINAL DECISION AND ORDER
	:	
BINH S. HUA,	:	<u>ORDER00000002</u>
	:	
APPLICANT.	:	

Division of Enforcement Case No. 09 APP 007

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

Binh S. Hua
6335 5th Avenue
Kenosha, WI 53143

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. Binh S. Hua ("Hua"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 6335 Fifth Avenue, Kenosha, WI 53143, submitted an application for certification and licensure as a Certified General Appraiser.

2. After review of Mr. Hua's disciplinary history, it was found that the Wisconsin Real Estate Board had discipline Mr. Hua on April 24, 2008, in LS#0804242REB based upon his permitting a buyer to occupy a property prior to completion of the sale, and without informing the seller of that fact.

3. Mr. Hua's application for certification and licensure was denied on the grounds that the violation of law found by the Real Estate Board was substantially related to the profession of a real estate appraiser.

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).

3. In violating rules administered by the Wisconsin Real Estate Board, as set forth above and in the Board's Order LS#0804242REB, **Binh S. Hua** has violated laws substantially related to the practice of a real estate appraiser.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Binh S. Hua** shall be issued a **LIMITED** certificate of certification and certificate of licensure as a Certified General Appraiser, assuming that all requirements for the issuance of the license have been met, other than the issue dealt with in this Order. The terms of the limitation shall be that all appraisals conducted by Mr. Hua must be co-signed by a person who holds a certificate of certification and certificate of licensure as a Certified General Appraiser in good standing for the state in which the property which is the subject of the appraisal is located. Mr. Hua may petition for the removal of this limitation no sooner than ONE (1) YEAR from the date of signing of this Order. Mr. Hua will bear the burden of demonstrating to the Wisconsin Real Estate Appraiser's Board that there is no reason for the limitation to be continued via the presentation of evidence. The Division of Enforcement may present evidence and arguments opposing removal of the limitation, if appropriate.

IT IS FURTHER ORDERED that:

2. Case number 09 APP 007 is hereby closed.

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

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By:

Celia M. Jackson
Celia M. Jackson, Secretary

12/22/09
Date