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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
MARCIAL GALANG,	:	<u>ORDER 0000084</u>
RESPONDENT.	:	

Division of Enforcement Case No. 09 APP 064

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

Marcial Galang
17690 Wexford Court
Brookfield, Wisconsin 53045

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 Appraisers Board. The Real Estate Appraisers Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Marcial Galang (Date of Birth: November 12, 1968) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser (certificate number 4-1738). That certificate was first granted on February 11, 2004, and is current through December 14, 2009.
2. The last address Mr. Galang provided to the Department of Regulation and Licensing (hereinafter Department) is 19230 West North Avenue, Brookfield, Wisconsin 53045. The Department has learned that Mr. Galang currently resides at 17690 Wexford Court, Brookfield, Wisconsin 53045.

3. Each person possessing a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew the certificate of licensure biennially, by December 15 of each odd-numbered year. [Wis. Stat. sec. 440.08(2)(a)12.]
4. To be eligible to renew the certificate of licensure for the next biennial registration period, the licensee 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. Galang a Licensed Appraiser Renewal Application to execute and return with the required fee if Mr. Galang wished to renew his certificate of licensure in the state of Wisconsin for the December 15, 2007, through December 14, 2009, biennium. Mr. Galang elected to renew his certificate of licensure on the on-line Renewal Application form available at the Department's website. The on-line Certified General Appraiser and 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. Galang electronically filled out the on-line Licensed Appraiser Renewal Application on or about December 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. Galang was sent a letter on May 18, 2009, requesting that he send the Real Estate Appraiser Board evidence 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. On June 2, 2009, Mr. Galang was sent another letter requesting that he send the Real Estate Appraisers Board evidence 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.
9. On November 3, 2009, Mr. Galang finally sent evidence of successful completion of the 28 hours of the approved continuing education which he claimed to have completed prior to renewing his certificate of licensure for the December 15, 2007, through December 14, 2009, biennium.
10. Wis. Admin. Code § RL 86.01(10) denotes that a certified or licensed appraiser shall cooperate in a timely matter with a request for information from the Board. Any certified or licensed appraiser who takes longer than 30 calendar days to respond to a request for information by the Board has not acted in a timely manner.
11. In resolution of this matter, Marcial Galang consents to the entry of the following Conclusions of Law and Order.

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 furnishing evidence of successful completion of the required 28 continuing education hours, within 30 calendar days from the first request for information from the Board, Marcial Galang has violated:
 - a. Wis. Stat. sec. 458.26(3)(b) - Engaged in unprofessional conduct in violation of rules promulgated under Wis. Stat. sec. 458.24.
 - b. Wis. Stat. sec. 458.26(3)(i) - Violated this chapter or any rule promulgated under this chapter.
 - c. Wis. Admin. Code § RL 86.01(10) – Failure to provide information to the Board in a timely manner.

ORDER

1. Marcial Galang (certificate 4-1738) is hereby **REPRIMANDED**.
2. **IT IS FURTHER ORDERED** that Marcial Galang shall pay the amount of **THREE HUNDRED FIFTY dollars (\$350.00)** for a **full assessment of costs** of this proceeding, all to be paid within **one hundred twenty (120) days** of the effective date of this Order.
4. The assessed forfeiture and partial assessment of costs shall be payable by cashier's check or money order made payable to the Department Monitor (Place case number on the check or money order and the words "Forfeiture" and/or "Costs").

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

5. If Marcial Galang fails to pay the full assessment of costs or fails to obtain a written extension from the Real Estate Appraisers Board to complete same, then Marcial Galang shall be considered to be in violation of this Order and may be subjected to further discipline.
6. The effective date of this Order is the date of signing by the Real Estate Appraisers Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Mark B. [Signature] CHAIR
On Behalf of the Board

2/24/2010
Date