

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD**

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **FINAL DECISION AND ORDER**
ROBERT T. LEGGATE, :
RESPONDENT. : *ORDER 0000691*

Division of Enforcement Case No. 10 APP 007

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Robert T. Leggate
220 19th Avenue North
Wisconsin Rapids, WI 54495

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Department of Regulation and Licensing (Department). The Department has reviewed this Stipulation and considers it acceptable. Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **Robert T. Leggate**, whose last known address of record with the Department of Regulation and Licensing (Department) is 220 19th Avenue North, Wisconsin Rapids, WI 54495, and whose date of birth is 02/07/1953, is licensed in Wisconsin as a Certified General Appraiser and Licensed Appraiser (#10-249). The license was first granted on 04/29/1992, and will expire on 12/14/2011.

2. On or about February 7, 2010, the Department received a complaint alleging that Mr. Leggate had been convicted of various crimes. The initial investigation revealed no convictions that had been reported to the Department by Mr. Leggate.

3. The Department's investigation found that Mr. Leggate had been convicted in the following matters:

a. 2001CT000312: OWI – BAC .1%+ (2nd offense) – Criminal Traffic matter. Guilty plea entered.

b. 2004CF000099: 2nd Degree Sexual Assault of Child (three counts dismissed/read in). No contest plea entered. Sentenced to 7 years (3 years initial Confinement and 4 years Extended Supervision) concurrent with sentence imposed in case no. 2005CM00760.

c. 2004CT00499: Operating with PAC .08 or More (3rd offense) - Criminal Traffic matter. Guilty plea entered.

d. 2005CM000760: Operating with PAC .02 or More (4th offense) - Criminal Traffic Case; Carrying a Concealed Weapon; refuse to take Breathalyzer Test (two counts dismissed/read in). Guilty plea entered.

4. The conviction pertaining to paragraph 3(d), above, occurred on January 30, 2006. Mr. Leggate had been timely notified that, effective June 1, 2005, all convictions were to be reported to the Department within 48 hours following said conviction.

5. The investigation found that Mr. Leggate had been released from incarceration, pursuant to the 2nd Degree Sexual Assault of Child conviction noted at paragraph 3b, above, and had returned to his appraisal practice subject to the restrictions of his extended supervision (probation).

6. The terms of the extended supervision required, in part, that Mr. Leggate not perform any appraisals of (1) residential property or (2) commercial property where children were likely to congregate.

7. On or about 08/20/2010, the Department was informed by Cathleen Delpho, Mr. Leggate's probation officer, that Mr. Leggate had violated the terms of his extended supervision by conducting appraisals of residential property, and had been re-incarcerated for a period of 60 days. According to Ms. Delpho, the terms of Mr. Legatte's extended supervision prohibit him from engaging in any real estate appraisal activities of any kind. It is unlikely these limitations will be removed during Mr. Legatte's term of extended supervision

8. In order to resolve this disciplinary matter, Mr. Leggate wishes to voluntarily surrender his Certified General Appraiser and Licensed Appraiser license (10-249).

CONCLUSIONS OF LAW

1. The State of Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Findings of Fact paragraphs 2 and 3(d), Mr. Leggate has violated Wis. Admin. Code § RL 4.09(2).

3. Pursuant to Findings of Fact paragraphs 6 and 7, Mr. Leggate has violated Wis. Admin. Code § RL 86.01 (11), thereby subjecting himself to discipline pursuant to Wis. Admin. Code § RL 86.01(1) and Wis. Stat. § 458.26(3)(b) and (d).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The voluntary surrender of the Certified General Appraiser and Licensed Appraiser license of Robert T. Leggate (10-249) is hereby accepted. Mr. Leggate shall immediately return all indicia of his Wisconsin real estate appraiser licensure to the Department Monitor, P.O. Box 8935, Madison, WI 53709-8935.

2. Respondent **Robert R. Leggate** shall not seek to reinstate his Wisconsin real estate appraiser licensure (#10-249) or apply for licensure as a real estate appraiser with the State of Wisconsin, until such time as reinstatement is authorized in writing by his current probation officer, or his term of extended supervision has expired, whichever shall occur first.

3. In the event that Respondent **Robert R. Leggate** seeks to reinstate his license, he shall submit a new application for licensure and meet all requirements for licensure or certification then existing at the time of his request for reinstatement.

5. In the event that Respondent **Robert R. Leggate** seeks to reinstate his license, the Department may determine whether and under what terms and conditions such request may be granted.

6. In the event that Respondent **Robert R. Leggate** seeks to reinstate his license or apply for any other credential regulated by the Department, then he shall pay the Department's costs of this matter in the amount of **\$800.00** before any such renewal or application may be considered.

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. In its discretion the Department may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

8. Mr. Leggate shall not practice as a real estate appraiser in the State of Wisconsin without being licensed in Wisconsin.

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

Dated at Madison, Wisconsin this 23rd day of February, 2011.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Marla L. Buttgew 2/23/11
A Member of the Board MMH Date