

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEPHEN C. FAIRBAIRN,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: ORDER 00025621

Division of Legal Services and Compliance¹ Case No. 12 APP 066

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

Stephen C. Fairbairn
135 Brule Rd.
De Pere, WI 54115

Wisconsin Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 Wisconsin Real Estate Appraisers Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Stephen C. Fairbairn (dob September 11, 1964) is licensed in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having license number 260-9, first issued on December 9, 1991 and currently suspended. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 135 Brule Road, De Pere, Wisconsin 54115.

2. Respondent was previously disciplined by the Board on August 13, 2008 for violating the Uniform Standards of Professional Appraisal Practice (USPAP) and/or Standards

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Rules (SR). Respondent was reprimanded, ordered to complete education, and pay costs of the matter. Respondent complied with the terms of the Order.

3. Respondent was again disciplined by the Board on May 9, 2012 for violating USPAP and SR. Respondent's certified residential appraiser and licensed appraiser license was suspended for 60 days (May 24, 2012 through July 22, 2012) and he was ordered to pay a \$1,500.00 forfeiture and costs of the matter in the amount of \$1,044.00 within 120 days of the date of the Order.

4. On or about July 11, 2012, the Department received a complaint alleging that Respondent performed a summary appraisal during the time his certified residential appraiser and licensed appraiser license was suspended. Division of Legal Services and Compliance Case Number 12 APP 066 was subsequently opened for investigation.

5. On or about June 26, 2012, Respondent performed a summary appraisal of property located at 1041 Sunset Beach Road in Suamico, Wisconsin. Respondent's summary appraisal report had an effective date of June 26, 2012, was signed by Respondent and included "License/Certification #: WI260" under Respondent's signature.

6. On October 22, 2012, Respondent's certified residential appraiser and licensed appraiser license was suspended due to Respondent's failure to make payments of the forfeiture and costs as ordered on May 9, 2012.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. §§ 458.055(1) and (3), and Wis. Admin. Code § SPS 86.01(13) by using a term similar to Wisconsin certified appraiser and Wisconsin licensed appraiser during the time his certified residential appraiser and licensed appraiser license was suspended.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. §§ 458.26(3)(b) and (i).

ORDER

1. The attached Stipulation is accepted.

2. The Certified Residential Appraiser and Licensed Appraiser license of Respondent Stephen C. Fairbairn (license number 260-9) is hereby REVOKED.

3. Respondent shall not re-apply for any appraiser license in Wisconsin for a period of five years from the date of this Order.

4. In the event Respondent seeks to reapply for any appraiser credential from this Department, he shall submit a new application for licensure and meet all requirements for licensure or certification existing at the time of the request. Reciprocity will not be allowed as part of the determination for any licensure. The Board or Department may determine whether and under what terms and conditions such licensure may be granted.

5. In the event Respondent seeks to apply for any appraiser license or any other credential from this Department, then he shall pay the \$1,500.00 forfeiture and the \$1,044.00 in costs ordered in case number 10 APP 065 (Order 0001536), and the costs of investigating and prosecuting this matter in the amount of \$1,350.00, before any such application may be considered. Payment of the forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondent's right to re-apply for licensure. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

8/21/2013
Date