

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

CLINTON J. ACKER,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0003372**

Division of Legal Services and Compliance Case No. 14 APP 013

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

Clinton J. Acker
2417 Parmenter St.
Middleton, WI 53562

Wisconsin Real Estate Appraisers Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Clinton J. Acker (dob September 21, 1980) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1860-9, first issued on January 30, 2012 and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2417 Parmenter Street, Middleton, Wisconsin 53562.

2. In 2014, the Department conducted an audit of certified and licensed appraiser continuing education for the 2011-2013 biennial period (December 15, 2011 through December 14, 2013).

3. On Respondent's 2013 renewal application, Respondent certified that he had completed 28 hours of Department-approved continuing education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between December 15, 2011 and December 14, 2013.

4. Pursuant to the Department audit, Respondent was found to be noncompliant with the continuing education requirements for certified and licensed appraisers for the 2011-2013 biennial period, as Respondent completed only 21 hours of continuing education during that time period.

5. On January 29, 2014, Respondent completed 7 hours of continuing education, which were applied retroactively to satisfy Respondent's continuing education requirements for the 2011-2013 biennial period. The course taken by Respondent was Appraising FHA Today.

6. 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. § 458.13 and Wis. Admin. Code § SPS 85.01(1) by failing to complete 28 hours of continuing education credits during the 2011-2013 biennial period.

3. By the conduct described in the Findings of Fact, Respondent is subject to discipline pursuant to Wis. Stat. § 458.26(3)(a) for making a material misstatement in an application for a renewal of a certificate.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Clinton J. Acker is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$500.

4. The continuing education hours listed above in Finding of Fact paragraph 5, that were completed and applied retroactively to Respondent's continuing education requirements for the 2011-2013 biennial period, may not be used to satisfy any other certified and licensed appraiser continuing education requirements with the Department.

5. Proof of successful payment of costs (payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison WI 53707-7190
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 summary suspension of Respondent's certificate. 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. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's certificate (no. 1860-9) may, in the discretion of the Board, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Lawrence R. Nicholson
A Member of the Board

9/9/2014
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CLINTON J. ACKER,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003372

Division of Legal Services and Compliance Case No. 14 APP 013

Respondent Clinton J. Acker and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Appraisers Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of

Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

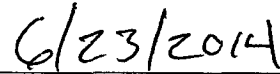
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

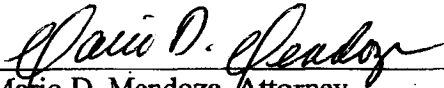
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



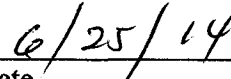
Clinton J. Acker, Respondent
2417 Parmenter Street
Middleton, WI 53562
Certificate No. 1860-9



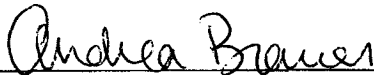
Date



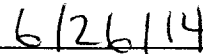
Mario D. Mendoza, Attorney
Murphy Desmond, SC
33 East Main Street, Suite 500
Madison, WI 53703



Date



Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190



Date