

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE LICENSE OF

MICHAEL T. FISHER,  
LICENSEE

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FINAL DECISION AND ORDER  
FOR REMEDIAL EDUCATION

**0004698**

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Division of Legal Services and Compliance Case No. 14 APP 070

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

Michael T. Fisher  
2601 Dorn Drive  
Portage, WI 53901

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

Division of Legal Services and Compliance  
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. Licensee Michael T. Fisher (DOB July 30, 1965) is licensed by the State of Wisconsin as a Licensed Appraiser, having certificate of licensure number 1346-4, first issued on January 23, 2001 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2601 Dorn Drive, Portage, Wisconsin 53901.

2. On November 12, 2014, Licensee performed an appraisal of property located at 149 N. Albert Avenue, Reedsburg, Wisconsin 53959.

3. On or about December 10, 2014, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice. Division of Legal Services and Compliance Case Number (Division) 14 APP 070 was subsequently opened for investigation.

4. Licensee's appraisal was reviewed by the Division, and the Division alleges Licensee's appraisal is deficient in the following ways:

a. Licensee incorrectly rated the subject property's condition as C5 rather than C4. As a result, he utilized inappropriate comparable sales that did not reflect the subject property's condition and failed to make appropriate adjustments in the Sales Comparison Approach.

b. Licensee failed to support adjustments in the sales grid.

5. Licensee agrees that failure to submit proof of successful completion of the ordered education as set forth below shall constitute conduct which reflects adversely on his fitness to practice as a real estate appraiser as set forth in Wis. Admin. Code § SPS 86.01(13).

6. Licensee does not admit to any of the Division's allegations and denies any wrongdoing but in the interest of resolving this matter consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 227.44(5) and 458.26.

#### ORDER

1. The attached Stipulation is accepted.

2. Within ninety (90) days of the date of this Order, Michael T. Fisher shall, at his own expense, take and successfully complete thirty-two (32) hours of education as follows:

a. Sales Comparison and Income Approach (30 hours), and

b. Uniform Appraisal Dataset (2 hours).

c. Each course attended in satisfaction of this Order must be offered by a provider pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s).

d. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education

completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department and may not be used in any future attempt to upgrade a credential.

3. Within ninety (90) days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$575.

4. Requests for course approval, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee 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  
DPSMonitoring@wisconsin.gov

5. This Order does not constitute discipline.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: *Larry Nicholson*  
A Member of the Wisconsin Real Estate Appraisers Board

5/5/2016  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE LICENSE OF :  
 :  
MICHAEL T. FISHER, : STIPULATION  
LICENSEE :  
 :

**0004698**

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Division of Legal Services and Compliance Case No. 14 APP 070

Licensee Michael T. Fisher 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. Licensee consents to the resolution of this  
investigation by Stipulation.

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

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by  
subpoena;
- the right to testify on Licensee'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 Licensee under the United States  
Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin  
Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has  
been provided an opportunity to obtain legal counsel before signing this Stipulation.  
Licensee is represented by Attorney Mark A. Eisenberg.

4. Licensee 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. Licensee waives all rights to any appeal  
of the Board's order, if adopted in the form as attached.

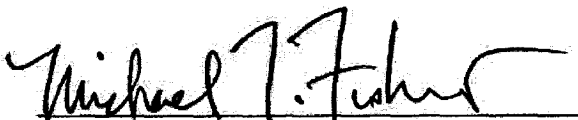
5. If the terms of this Stipulation are not acceptable to the Board, the parties  
shall not be bound by the contents of this Stipulation, and the matter shall then be

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.

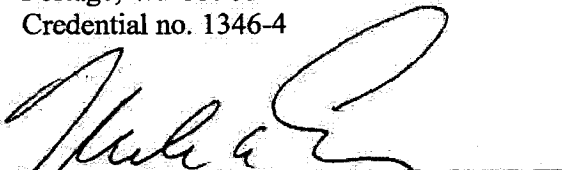
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes 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. Licensee 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.

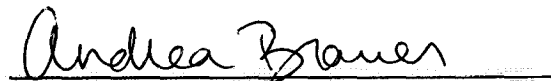
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Michael T. Fisher, Licensee  
2601 Dorn Dr.  
Portage, WI 53901  
Credential no. 1346-4

3/20/2016  
Date

  
\_\_\_\_\_  
Mark A. Eisenberg, Attorney for Licensee  
Eisenberg Law Offices  
308 East Washington Avenue  
Madison, WI 53703

3/28/16  
Date

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

3/28/16  
Date