

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

MARTIN R. ROSE,
RESPONDENT.

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FINAL DECISION AND ORDER

0005179

Division of Legal Services and Compliance Case No. 16 APP 021

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

Martin R. Rose
2244 Patrick Lane
Waukesha, WI 53188

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 Martin R. Rose (DOB 06/12/1962) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1496-9, first issued on August 22, 2006 and expired on December 15, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2244 Patrick Lane, Waukesha, Wisconsin 53188.

2. In 2016, the Department conducted an audit of certified and licensed appraiser continuing education (CE) for the 2013-2015 biennial period (December 15, 2013 to December 14, 2015).

3. On Respondent's 2015 renewal application, Respondent certified that he planned on completing CE, and that his license would not be renewed until the CE was completed.

4. Pursuant to the Department's audit, Respondent was found to be noncompliant with the CE requirements for certified and licensed appraisers for the 2013-2015 biennial period, as Respondent had not completed any CE during that time period.

5. 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. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew his Certified Residential Appraiser certificate of licensure and certification through December 14, 2020.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 458.13 and Wis. Admin. Code § SPS 85.900(1) by failing to complete at least 28 class hours of CE in the 2013-2015 biennial period.

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Martin R. Rose's right to renew his Certified Residential Appraiser certificate of licensure and certification (number 1496-9) pursuant to Wis. Stat. § 440.08(3) is **SUSPENDED** indefinitely until the following conditions are met:

- a. Respondent submits proof of successful completion of at least 28 class hours of CE pursuant to Wis. Admin. Code § SPS 85.900(1).
 - i. Respondent shall submit proof of successful completion of the CE in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - ii. The CE completed pursuant to this Order shall be retroactively applied to Respondent's CE requirements for the 2013-2015 biennial period.

iii. The CE completed pursuant to this Order may not be used to satisfy any other certified and licensed appraiser CE requirements that have been or may be instituted by the Board or Department.

b. Respondent pays the COSTS of this matter in the amount of \$300.

3. Proof of successful completion of the CE ordered above and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Lawrence R. Nicholson
A Member of the Board

2/14/2017
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARTIN R. ROSE,
RESPONDENT.

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STIPULATION

0005179

Division of Legal Services and Compliance Case No. 16 APP 021

Respondent Martin R. Rose 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.

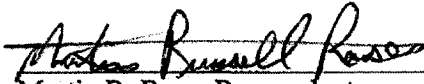
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of

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.



Martin R. Rose, Respondent
2244 Patrick Lane
Waukesha, WI 53188
Credential No. 1496-9

10/27/2016

Date



Renee M. Parton, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/27/2016

Date