

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 :
 :
MARK A. SIMONOVICH, : FINAL DECISION AND ORDER
RESPONDENT. :

0005319

Division of Legal Services and Compliance Case No. 16 APP 048

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

Mark A. Simonovich
12322 87th Avenue
Pleasant Prairie, WI 53158

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 Mark A. Simonovich (DOB June 1, 1979) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1816-9, first issued on November 29, 2010 and current through December 14, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 12322 87th Avenue, Pleasant Prairie, Wisconsin 53158.

2. On July 11, 2016, the Illinois Department of Financial and Professional Regulation indefinitely suspended Respondent's certified residential real estate appraiser license and fined Respondent \$750 for failing to complete the continuing education (CE) requirements for the reporting period of October 1, 2013, through September 30, 2015.

3. On September 12, 2016, the Appraisal Subcommittee reported this discipline to the Department. Division of Legal Services and Compliance Case No. 16 APP 048 was subsequently opened for investigation.

4. On Respondent's 2015 Wisconsin renewal application, Respondent certified that he had completed the required CE, and that he had evidence that he would furnish to the Department upon request.

5. On February 15, 2017, the Department requested Respondent provide proof of his completed CE for the 2013-2015 biennium (December 15, 2013 to December 14, 2015).

6. On March 6, 2017, Respondent provided certificates of completion for the following CE:

a. A Review of Disciplinary Cases: How to Avoid a Visit with the Licensing Board (3 hours), completed on September 27, 2016;

b. 2016-2017 Seven-Hour National USPAP Update Course (7 hours), completed on September 27, 2016;

c. Managing Appraiser Liability (6 hours), completed on September 27, 2016;

d. REO and Foreclosures (5 hours), completed on September 27, 2016; and

e. The New FHA Handbook 4000.1 (7 hours), completed on September 28, 2016.

7. None of the CE submitted by Respondent was completed during the 2013-2015 biennial period.

8. Based on the foregoing and in an effort to take responsibility for his actions, Respondent has successfully completed the following CE:

a. Constructing The Professional Report...From A-Z (5 hours), completed on April 11, 2017;

b. Comprehensive Square Foot Calculations (8 hours), completed on April 12, 2017;

c. Shades of Green-Residential Appraisal (8 hours), completed on April 13, 2017; and

d. 2016-2017 7-hour National USPAP Update (7 hours), completed on April 14, 2017.

9. Respondent has submitted proof of successful completion of said CE in the form of verification from The Columbia Institute. The 28 hours of CE listed above in Findings of Fact

paragraph 8 shall be retroactively applied to Respondent's CE requirements for the 2013-2015 biennial period. The CE listed above in Findings of Fact paragraph 8 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, nor may they be used in future attempts to upgrade a credential in Wisconsin.

10. 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. Admin. Code § SPS 85.900(1) by failing to complete at least 28 class hours of CE in the 2013-2015 biennial period.

3. By the conduct described in the Findings of Fact, Respondent engaged in conduct reflecting adversely on his fitness to practice as a real estate appraiser pursuant to Wis. Admin. Code § SPS 86.01(13).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark A. Simonovich is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$514.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and 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

5. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1816-9), or Respondent's right to renew his certificate of licensure and certification, may, in the discretion of the Board or its designee, be SUSPENDED,

without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

5-23-17
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MARK A. SIMONOVICH,	:	
RESPONDENT.	:	0005319

Division of Legal Services and Compliance Case No. 16 APP 048

Respondent Mark A. Simonovich 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.

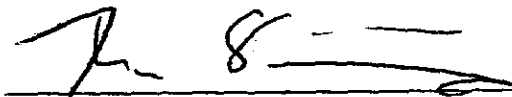
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

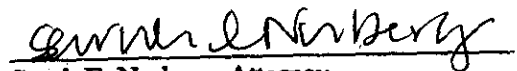
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Mark A. Simonovich, Respondent
12322 87th Avenue
Pleasant Prairie, WI 53158
Credential no. 1816-9

4-25-2017

Date



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

4.26.17

Date