

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RENEWAL APPLICATION  
FOR A CERTIFIED RESIDENTIAL APPRAISER  
LICENSE

RICHARD CONRAD  
APPLICANT

0005675

ORDER GRANTING  
LIMITED LICENSE

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

RICHARD CONRAD  
911 W GRAND AVE  
PORT WASHINGTON, WI 53074

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 7190  
MADISON, WI 53707-7190

FINDINGS OF FACT

- I. RICHARD CONRAD (Applicant) has filed an application for renewal of his license (#1240-9) to practice as a certified residential appraiser in Wisconsin.
- II. Renewal application documentation in the record reflects that the Applicant signed "Convictions and Pending Charges" Form #2252. The "Affidavit of Applicant," located directly above the signature block, indicates the following: "I state that I am the person referred to in this document and that all the information, which I provided above, is true in every respect. I understand that false or forged statements made in this document in connection with my application for a credential, or failing to provide relevant information, may be grounds for denial of the application, revocation of the credential granted to me, or criminal prosecution."
- III. When applying for renewal, Applicant attested to the truthfulness of the information provided in the application and that he understood providing false, misleading, or incomplete information in the application process may be grounds for denial of a credential.
- IV. The personal statements Applicant provided with regard to his misdemeanor convictions, on February 12, 2004 for Carrying a Concealed Weapon and on October 10, 2005 for Disorderly Conduct, materially misrepresented the content of the circumstances surrounding those convictions. Applicant failed to provide documentation needed to

review those convictions as part of the renewal process and stated that the authorities could not locate the requested records. When asked for clarification, Applicant stated he had talked to the Clerk of Courts in Ozaukee County and they said records that old were not accessible with the current software program.

- V. Department staff contacted the Ozaukee County Clerk of Courts and easily obtained those conviction records.
- VI. During the renewal process, the Department also received information that Applicant made material misrepresentations on appraisal certifications by representing his certified residential appraiser license expiration date as "12/14/2019" when, in fact, his expiration date was "12/14/2017."
- VII. Information received in the renewal application process reflects that Applicant has the following convictions:
  - a) On or about February 12, 2004 – Carrying Concealed Weapon, a misdemeanor.
  - b) On or about October 10, 2005 – Disorderly Conduct, a misdemeanor.
  - c) On or about October 10, 2005 – Bail Jumping, a misdemeanor.
  - d) On or about September 25, 2017 – Operate Firearm While Intoxicated, a misdemeanor.
  - e) On or about September 25, 2017 – Intentionally Obstruct Emergency Persons, a felony.
    - i. Sentencing for the above-indicated September 25, 2017, convictions includes, but is not limited to, two (2) years of probation, absolute sobriety, surrender of all firearms and ammunition, and submitting to random alcohol and drug testing.
- VIII. Department records indicate that Applicant failed to report any of the above-listed convictions to the Department within 48 hours after the entry of the judgment of conviction, as required under Wis. Stat. § 440.03(13)(am).
- IX. Documentation received in the renewal process also shows that Applicant has been diagnosed with mental and substance abuse disorders.
- X. The April 18, 2017, Chemical Dependency Assessment indicates treatment recommendations, including group [meetings] two (2) times per week and a mental health therapist.
- XI. The August 9, 2017, AODA Behavioral Health Discharge Summary recommendations include that Applicant should continue with one-on-one mental health counseling, 12-step meetings, a sponsor, and alumni group.

### CONCLUSIONS OF LAW

- I. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter and is authorized to enter into the attached Stipulation, pursuant to Wis. Stat. § 227.44(5) and chs. 440 and 458.
- II. The facts and circumstances of the criminal record referenced above substantially relate to the practice of a certified residential appraiser. Wis. Stat. §§ 111.335(1)(c), 458.26(3)(d), and Wis. Admin. Code §§ SPS 85.240(2) and 86.01(12).
- III. The facts and circumstances referenced above show that Applicant knowingly made material misstatements and misrepresented facts in the application process for renewal of his license, pursuant to Wis. Stat. § 458.26(3)(a) and Wis. Admin. Code § 86.01(5).
- IV. Applicant, by his conduct, is subject to limitations against his license, pursuant to Wis. Stat. §§ 440.08(4)(a), 458.26(3)(a) and (d), and Wis. Admin. Code §§ SPS 85.240(1)(c) and (2) and 86.01(5) and (12).
- V. Limitations upon Applicant's license are necessary to ensure that the Applicant will demonstrate the character and general fitness to command the confidence of the community and to warrant a determination that the appraiser will operate honestly and fairly, pursuant to Wis. Admin. Code § SPS 85.240(1)(c), and to protect the public health, safety or welfare, pursuant to Wis. Stat. § 440.08(4)(a).

### **ORDER**

NOW, THEREFORE, IT IS ORDERED that RICHARD CONRAD is GRANTED RENEWAL OF A CERTIFIED RESIDENTIAL APPRAISER LICENSE subject to the following LIMITATIONS, TERMS, AND CONDITIONS:

#### CONDITIONS AND LIMITATIONS

##### Practice Limitations

- A.1. Applicant shall commit no new violations of law and shall report all law enforcement contacts leading to arrest, charge, or conviction, including DWI/OWI and municipal/ordinance violations, to the Department Monitor within 48 hours of any such event, including any conviction resulting from previously reported pending charges.

##### Treatment Required

- A.2. Applicant shall enter into and continue in an alcohol/drug addiction program with an alcohol/drug addiction Treater approved by the Department or its designee. Participation shall begin within 30 days of the date of this Order. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.

- A.3. Applicant shall enter into and continue in a mental health treatment program with a Psychiatric Treater approved by the Department or its designee. Participation shall begin within 30 days of the date of this Order. Applicant shall participate in, cooperate with, and follow all treatment recommended by Treater.
- A.4. Applicant shall immediately provide Treater(s) with a copy of this Order and all other subsequent orders.
- A.5. Alcohol/drug addiction Treater shall be responsible for coordinating Applicant's rehabilitation, alcohol/drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to serve as Treater, Applicant shall immediately seek approval of a successor Treater by the Department or its designee. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only upon a determination by the Department or its designee after receiving a petition for modification as required by A.28. below.
- A.6. Psychiatric Treater shall be responsible for coordinating Applicant's mental health treatment program as required under the terms of this Order and shall immediately report any change in mental health status, change in treatment or prognosis, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor. If Treater is unable or unwilling to serve as Treater, Applicant shall immediately seek approval of a successor Treater by the Department or its designee. Frequency of individual and/or group therapy sessions shall be determined by Treater. Therapy may end only upon a determination by the Department or its designee after receiving a petition for modification as required by A.28. below. Applicant shall comply with taking medications as prescribed, participate in, cooperate with, and follow all treatment recommended by his psychiatric treatment provider.
- A.7. Treater(s) shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Applicant's progress in the alcohol/drug treatment program and mental health/psychiatric program. Treater(s) shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

- A.8. Applicant shall provide and keep on file with alcohol/drug addiction Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Department, its designee, and the Department Monitor to: (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Applicant's treatment and rehabilitation.

A.9. Applicant shall provide and keep on file with Psychiatric Treater a release authorizing the therapist to: (a) discuss the progress of Applicant's treatment, (b) compliance with taking any prescribed medications, and (c) obtain all patient treatment records and reports, with the Department, its designee, and the Department Monitor.

A.10. Copies of these releases shall immediately be filed with the Department Monitor.

#### AA/NA Meetings & Psychiatric Treatment Attendance

A.11. Applicant shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Applicant at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

A.12. Applicant shall attend all appointments and treatment as required by Psychiatric Treater at a frequency recommended by the Treater. Attendance of Applicant at such appointments and treatment shall be verified and reported quarterly to Psychiatric Treater and the Department Monitor.

#### Sobriety

A.13. Applicant shall abstain from all personal use of alcohol.

A.14. Applicant shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed, or administered by a practitioner for a legitimate medical condition.

A.15. Applicant shall abstain from all use of over-the-counter medications or other substances (including, but not limited to, natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's rehabilitation. It is Applicant's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.

A.16. Applicant shall report to the Department Monitor all prescription medications and drugs taken by Applicant. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered, or ordered said medications or drugs. Each time the prescription is filled or refilled, Applicant shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.

#### Drug and Alcohol Screens

A.17. Applicant shall participate in a drug and alcohol monitoring program which is approved by the Department Monitor (Approved Program). Participation shall begin within 30 days of the date of this Order.

A.18. Applicant shall review all the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring, established by the Approved Program, is a substantial violation of this Order. The requirements shall include:

- (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - (b) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- A.19. The Approved Program shall require the testing of specimens at a frequency of not less than 28 urine screens and one hair test per year. Applicant may petition the Department on an annual basis for a modification of the frequency of tests, pursuant to provision A.28. below. The Department may adjust the frequency of testing on its own initiative at any time.
- A.20. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Applicant shall promptly submit to additional tests or examinations as the Department or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- A.21. In addition to any requirement of the Approved Program, the Department or its designee may require Applicant to do any or all of the following: (a) submit additional urine specimens; (b) submit blood, hair or breath specimens (c) furnish any specimen in a directly witnessed manner.
- A.22. All confirmed positive test results shall be presumed to be valid. Applicant must prove, by a preponderance of the evidence, an error in collection, testing, fault in the chain of custody, or another valid defense.

#### Change of Treater or Approved Program by Department

- A.23. If the Department or its designee determines a Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Department or its designee may direct that Applicant continue treatment and rehabilitation under the direction of another Treater or Approved Program.

#### Reporting Requirements

- A.24. Applicant shall report to the Department Monitor any change of employment status, residence, address, or telephone number within five (5) days of the date of said change.
- A.25. Applicant shall file quarterly reports with the Department at the direction of the Department Monitor, commencing within ninety (90) days after Applicant begins employment. Each report shall include the following:
- a. The name, address, and telephone number of Applicant, and name, address, and telephone number of his employer(s), if applicable;
  - b. A statement from the Applicant as to whether he has had any law enforcement contacts leading to arrest, charge or conviction (including DWI/OWI and municipal/ordinance violations) during the term of the Order.

- A.26. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify the Department Monitor of any suspected violations of any of the terms and conditions of this Order.
- A.27. The Department Monitor is the individual designated by the department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports, or other information required by this Order shall be mailed, faxed, or delivered to:

DEPARTMENT MONITOR  
Department of Safety and Professional Services  
Division of Legal Services & Compliance  
1400 East Washington Ave.  
P.O. Box 7190  
Madison, WI 53707-7190  
Fax: (608) 266-2264  
Telephone: (608) 267-3817  
dspsmonitoring@wi.gov

Petitions for Modification of Limitations or Termination of Order

- A.28. Applicant may petition the Department on an annual basis for modification of the terms of this Order, after completion of one (1) year of practice in compliance with all terms and conditions of this Order. No petition for modification shall be considered sooner than one (1) year from the date of this Order. Applicant's petition must include his history of employment from the effective date of this Order that states the dates and names of any employer, such employment in total equaling one (1) year of practice. Any such petition shall be accompanied by a written statement from Applicant that includes, among other things, the dates of employment and scope of responsibility during such employment, if applicable. A denial of such a petition for modification, in whole or in part, shall not be deemed a denial of license under Wis. Stat. §§ 227.01(3), or 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.
- A.29. Applicant may petition the Department for full, unrestricted licensure upon demonstration of continuous, successful practice in compliance with the terms of the Order for at least two (2) years. "Practice in compliance" includes the submission of work reports and Treater reports, the content of which are satisfactory to the Department or its designee.

Costs of Compliance

- A.30. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order.
- A.31. Being dropped from a program for non-payment is a violation of this Order.

Costs

- A.32. Applicant shall be responsible for all costs and expenses associated with compliance with the terms of this Order.



Suspension

A.33. If the Applicant violates any term of this Order, Applicant's license may, at the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Applicant has provided sufficient proof, as determined by the Department or its designee, that Applicant is in compliance with the terms of the Order. The Department may, in addition and/or in the alternative, refer any potential violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

Dated at Madison, Wisconsin this 22 day of MARCH, 2018

By: A. Rohmeyer  
Aloysius Rohmeyer, Chief Legal Counsel  
On behalf of the Department of Safety and Professional Services

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RENEWAL APPLICATION  
FOR A CERTIFIED RESIDENTIAL APPRAISER  
LICENSE


RICHARD CONRAD  
APPLICANT

0005675  
STIPULATION

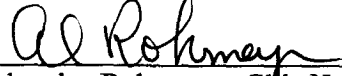
It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Safety and Professional Services (Department), as follows:

- I. The Applicant has filed an application for renewal of a certified residential appraiser license.
- II. Information received by the Department reflects a basis for denial of the license renewal application.
- III. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order Granting a Limited License as a certified residential appraiser, subject to the terms and conditions set forth in the attached Order adopting the Stipulation.
- IV. Applicant understands that by signing this Stipulation, Applicant voluntarily and knowingly waives the following rights:
  - a) the right to request a hearing related to the denial of his renewal application;
  - b) assuming a hearing takes place wherein the State has the burden of proof by a preponderance of the evidence:
    - i. the right to confront and cross-examine the witnesses against Applicant;
    - ii. the right to call witnesses on Applicant's behalf and to compel their attendance by subpoena;
    - iii. the right to testify on Applicant's own behalf;
    - iv. 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;
    - v. the right to petition for rehearing; and
  - c) all other applicable rights afforded to Applicant under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
- V. Applicant is aware of Applicant's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

- VI. Applicant agrees to the adoption of the attached Order Granting Limited License by the Department. The parties to the Stipulation consent to the entry of the attached Order Granting Limited License without further notice, appearance, or consent of the parties.
- VII. Applicant waives all rights to any appeal of the Department's Order, as adopted in the form as attached.
- VIII. Applicant is informed that the Order Granting Limited License is a public record and will be published in accordance with standard Department procedure.

  
Richard Conrad, Applicant  
911 W GRAND AVE  
PORT WASHINGTON WI 53074  
License no. 1240-9

3/22/18  
Date

  
Aloysius Rohmeyer, Chief Legal Counsel  
Department of Safety and Professional Services  
1400 EAST WASHINGTON AVENUE  
P.O. BOX 7190  
MADISON, WI 53707-7190

3/22/18  
Date