

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

JOHN L. SHIREY,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005784

Division of Legal Services and Compliance Case No. 18 APP 022

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

John L. Shirey
7306 W. Mequon Square Dr.
Mequon, WI 53092-8525

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 John L. Shirey (DOB 12/26/1950) is licensed by the State of Wisconsin as a Certified General Appraiser having certificate of licensure and certification number 244-10, first issued on April 22, 1992 and current through December 14, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7306 West Mequon Square Drive, Mequon, Wisconsin 53092.

2. In 2018, the Department conducted an audit of certified and licensed appraiser continuing education (CE) for the 2015-2017 biennial period (December 15, 2015 to December 14, 2017).

3. On Respondent's 2017 renewal application, Respondent certified that he had completed 28 hours of CE credits, including the 7-hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or its equivalent, during the 2015-2017 biennial period.

4. Pursuant to the Department's audit, Respondent was found to be noncompliant with the CE requirements for certified and licensed appraisers for the 2015-2017 biennial period, as Respondent did not complete any hours of CE during that time period.

5. Between December 15, 2017 and December 18, 2017, Respondent completed 28 hours of CE, which were retroactively applied to Respondent's CE requirements for the 2015-2017 biennial period. The courses taken by Respondent were:

- *Basic Hotel Appraising – Limited Service Hotels*. This was a seven-hour course completed on December 15, 2017.
- *Appraisal of Assisted Living Facilities*. This was an eight-hour course completed on December 16, 2017.
- *Appraising Small Apartment Properties*. This was a six-hour course completed on December 16, 2017.
- *2018-2019 7-Hour USPAP Update Course for Non-Residential Real Property*. This was a seven-hour course completed on December 18, 2017.

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 85.900(1) by failing to complete at least 28 class hours of CE in the 2015-2017 biennial period.

3. 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. The Certified General Appraiser certificate of licensure and certification issued to John L. Shirey (number 244-10) is SUSPENDED for five (5) business days, beginning 14 days after the date of this Order.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$229.00.

4. Any CE hours listed above in Finding of Fact paragraph 5, that were completed and retroactively applied to Respondent's CE requirements for the 2015-2017 biennial period, may not be used to satisfy any other certified and licensed appraiser CE requirements with the Board.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

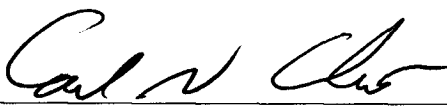
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 244-10), 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.

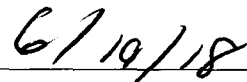
7. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN L. SHIREY,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005784

Division of Legal Services and Compliance Case No. 18 APP 022

Respondent John L. Shirey 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.

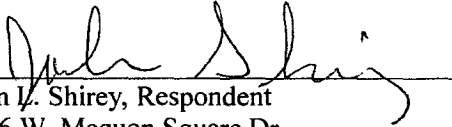
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of

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.


John L. Shirey, Respondent
7306 W. Mequon Square Dr.
Mequon, WI 53092-8525
Credential No. 244-10

5/15/18
Date


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

5.16.18
Date