

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

LES KIEHNAU,
RESPONDENT.

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:
:
:
:

FINAL DECISION AND ORDER

0005834

Division of Legal Services and Compliance Case No. 18 APP 015

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

Les Kiehnau
1633 N. Prospect Ave., Suite 21C
Milwaukee, WI 53202-2494

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 Les Kiehnau (DOB 2/27/1959) is certified by the State of Wisconsin as a Certified General Appraiser, having certificate of licensure and certification number 100-10, first issued on November 22, 1991, and current through December 14, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1633 N. Prospect Avenue, Suite 21C, Milwaukee, Wisconsin 53202.

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. 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 a 7-hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or its equivalent, during that time period. Respondent mistakenly thought the 2016-2017 7-hour national USPAP update course taken on November 12, 2015, would apply to the 2015-2017 biennial period. Respondent had taken the 2014-2015 7-hour national USPAP update course on January 9, 2014.

4. On December 20, 2017, Respondent completed the 2018-2019 7-hour national USPAP update course, which was retroactively applied to Respondent's CE requirements for the 2015-2017 biennial 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. 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 a 7-hour national USPAP update course 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)(i).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Les Kiehnau is REPRIMANDED.

3. Within 90 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$133.00.

4. Any CE hours listed above in Finding of Fact paragraph 4, 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 100-10), 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.

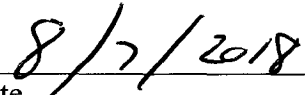
WISCONSIN REAL ESTATE APPRAISERS BOARD

by:



A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LES KIEHNAU,
RESPONDENT.

STIPULATION

0005834

Division of Legal Services and Compliance Case No. 18 APP 015

Respondent Les Kiehnau 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.

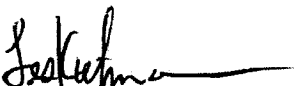
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of

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.



Les Kiehnau, Respondent
1633 N. Prospect Ave. Suite 21C
Milwaukee, WI 53202
Credential No. 100-10

6/12/18

Date



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

6/19/2018

Date