

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN RE DISCIPLINARY PROCEEDINGS :  
AGAINST :  
 : FINAL DECISION AND ORDER  
 BETTY L. LONG, :  
 :  
 : LS0702285APP  
RESPONDENT. :

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Division of Enforcement Case No. 05 APP 010 and 05 APP 055

The parties to this action for the purposes of Wis. Stats. Sec. 227.53 are:

Betty L. Long  
207 South Ludington Street  
Columbus, WI 53925

Real Estate Appraisers Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708 8935

PROCEDURAL HISTORY

The parties in these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), subject to the approval of the Real Estate Appraisers Board. The Board has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Betty L. Long (“Respondent”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 207 South Ludington Street, Columbus, WI 53925, and whose date of birth is January 19, 1942, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser and licensed appraiser (#9-806). The certificate was first granted on January 18, 1994, and will expire on December 14, 2007.

2. On August 19, 2003, Respondent signed an appraisal of real property located at W2505 County Road P, Town of Springvale, Wisconsin.

3. Respondent has violated 2003 Uniform Standards of Professional Appraisal Practice (USPAP) by:

- a. Failing to adequately identify the client and other intended users of the appraisal report, contrary to USPAP Standards Rule 1-2(a);
- b. Failing to identify the intended use of the appraisal report, contrary to USPAP Standards Rule 1-2(b);
- c. Failing to accurately identify the characteristics of the subject property, including, but not limited to: (1) stating that, “The subject is located in the Village of Cambria,” when, in fact, it is not; (2) indicating that the subject is serviced by natural gas, when, in fact, no such utility service is available, and, instead, the subject uses propane for heat; and (3) stating that the subject is zoned “Res & Ag,” when, in fact, the subject property is in an agricultural zone; contrary to USPAP Standards Rules 1-1(c) and 1-2(e)(i);
- d. Failing to include a statement of the scope of work performed, contrary to USPAP Standards Rule 1-2(f);
- e. Failing to correctly employ the comparable sales approach to analyzing market value, and/or failing to

summarize the information analyzed and include sufficient information to enable the intended users of the report to understand the report properly by: (1) failing to make or explain the lack of any adjustments to the comparable sales based upon: (a) age, (b) the size of the sites, (c) finished below-grade area, (d) size of additional buildings, and (e) garage area; contrary to USPAP Standards Rules 1-1(a) and/or 2-1(b) and 2-2(b)(ix);

- f. Failing to correctly employ the cost approach to analyzing market value by utilizing a new cost value and a depreciation adjustment that were both below accepted norms; contrary to USPAP Standards Rules 1-1(a) and 1-4(b); and
- g. Failing to identify the reporting option utilized, contrary to USPAP Standards Rule 2-2.

4. Per Wis. Admin. Code § RL 86.01(2), “All appraisals... shall conform to the uniform standards of professional appraisal practice...” Per Wis. Admin. Code § RL 86.01(1), “Certified and licensed appraisers shall comply with the standards of practice established by ch. 458, Stats., and chs. RL 80 to 86 and the standards set forth in Appendix I” (Appendix I contains the Uniform Standards of Professional Appraisal Practice).

5. On December 13, 2004, Respondent signed an appraisal of real property located at 715 Traut Road , Rio, Wisconsin.

6. Respondent has violated 2004 Uniform Standards of Professional Appraisal Practice (USPAP) by:

- a. Failing to adequately identify the client and other intended users of the appraisal report, contrary to USPAP Standards Rule 1-2(a);
- b. Failing to identify the intended use of the appraisal report, contrary to USPAP Standards Rule 1-2(b);
- c. Failing to accurately identify the characteristics of the subject property, including, but not limited to: (1) identifying the age of the subject as “15” years, when, in fact, the age of the subject was 85 years at the time of the appraisal; and (2) identifying the external walls of the subject as being “plaster” when, in fact, the exterior of the house was vinyl siding; contrary to USPAP Standards Rules 1-1(c) and 1-2(e)(i);
- d. Failing to include a statement of the scope of work performed, contrary to USPAP Standards Rule 1-2(f);
- e. Failing to correctly employ the comparable sales approach to analyzing market value, and/or failing to summarize the information analyzed and include sufficient information to enable the intended users of the report to understand the report properly by: (1) failing to make or explain the lack of any adjustments to the comparable sales based upon: (a) walk-out basements, (b) hardwood floors and other recent upgrades that might indicate that comparable properties were in better than “average” condition or otherwise warranted more favorable adjustments, (c) age, (d) finished below-grade area; (e) additional buildings; and (f) site size; contrary to USPAP Standards Rules 1-1(a) and/or 2-1(b) and 2-2(b)(ix);
- f. Failing to correctly employ the cost approach to analyzing market value by utilizing a new cost value and a depreciation adjustment that were both below accepted norms; contrary to USPAP Standards Rules 1-1(a) and 1-4(b); and
- g. Failing to disclose that there was an agreement for sale of the amount of \$170,000, and failing to analyze in the report why Respondent believed that the sale price does not undermine her opinion of value, contrary to USPAP Standards Rule 1-5; and
- h. Failing to identify the reporting option utilized, contrary to USPAP Standards Rule 2-2.

7. Respondent failed to state in the appraisal report her type of licensure (certified residential appraiser).

8. Per Wis. Stat. § 458.16(1), “Each certified appraiser shall place his or her title... and certificate number on each appraisal report and each written appraisal agreement used by the certified appraiser in conducting appraisal activities.”

9. Per Wis. Admin. Code § RL 86.03(1), “...each licensed appraiser and certified appraiser shall place his or her certificate number adjacent to or immediately below the title... ‘Wisconsin certified residential appraiser’ ...on each appraisal report...”

#### CONCLUSIONS OF LAW

- 1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 458.26.
- 2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter

pursuant to Wis. Stat. § 227.44(5).

3. By failing to comply with the 2003 and the 2004 Uniform Standards of Professional Appraisal Practice, as set forth above in paragraphs 3 and 6 of the findings of fact, and failing to comply with Wis. Stat. § 458.16(1) and Wis. Admin. Code § RL 86.03(1), as set forth above in paragraph 7 of the findings of fact, Respondent has subjected herself to discipline per Wis. Stat. § 458.26(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of Respondent **Betty L. Long** (#9-806) shall be and hereby is **reprimanded**.

IT IS FURTHER ORDERED that:

2. Respondent shall take and successfully complete the following as remedial education, which shall not count towards her continuing education requirements, within one year of the date of signing of this Order: (a) Quality Assurance in Residential Appraisals: Risky Appraisals = Risky Loans conducted by the Appraisal Institute; (b) The Professional's Guide to the Uniform Residential Appraisal Report, to include the testing component, if available; and (c) Convincing Residential Appraisals conducted by the Appraisal Institute, or another appraisal report writing course, if approved in advance by the Board's Monitoring Liaison.

3. Respondent shall pay costs of the investigations of these matters in the amount of one thousand six hundred (\$1,600.00) dollars within six months of the date of signing of this Order.

4. All payments and proof of completion of education required by this order to be submitted to the Department M shall be mailed, faxed or delivered to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 261-7904, Fax (608) 266-2264

5. Case numbers 05 APP 010 and 05 APP 055 are hereby closed.

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well and may result in a summary suspension of Respondent's license and certification (#9-806). The Real Estate Appraisers Board discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any c terms of this Order. In the event that Respondent fails to timely submit any payment of costs as set forth above, or fails to comp the ordered education the Respondent's license and certification (#9-806) SHALL BE SUSPENDED, without further notice o hearing, until Respondent has complied with the terms of this Order.

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

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel  
A Member of the Board

2/28/07  
Date

**STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD**

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**IN RE DISCIPLINARY PROCEEDINGS** :  
**AGAINST** :  
 : **STIPULATION**  
**BETTY L. LONG,** :  
 : **LS** \_\_\_\_\_  
**RESPONDENT.** :

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Division of Enforcement Case No.s 05 APP 010 and 05 APP 055

It is hereby stipulated and agreed, by and between Betty L. Long, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves pending investigations of Respondent's licensure and registration by the Division of Enforcement (05 APP 010 and 05 APP 055). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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 Enforcement for further proceedings. In the event that this 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 Enforcement and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any person may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board 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 Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

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**BETTY L. LONG**, Respondent  
207 South Ludington Street  
Columbus, WI 53925

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Date

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**MARK A. HERMAN**  
Attorney, Division of Enforcement  
1400 East Washington Avenue  
Madison, WI 53708-8935

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Date