

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **FINAL DECISION AND ORDER**
 : **AS TO LINDA M. LYNCH**
LINDA M. LYNCH and HEATHER : **LS0707115APP**
LYNCH FOWLER, :
 :
RESPONDENTS. :

Division of Enforcement Case No. 07 APP 048

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

Linda M. Lynch
3638 Serenty Trail
Madison, WI 53719

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 Linda M. Lynch (“Lynch”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 3638 Serenity Trail, Madison, WI 53719, and whose date of birth is October 19, 1944, holds a certificate of licensure and license as a licensed appraiser in the state of Wisconsin (#4-1499). The certificate was first granted on December 5, 2002, and will expire on December 14, 2007.

2. Heather Lynch Fowler (“Fowler”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 3606 Turning Leaf Drive, Madison, WI 53719, and whose date of birth is August 1, 1968, holds a certificate of licensure and license as a licensed appraiser in the state of Wisconsin (#4-1353). The certificate was first granted on March 30, 2001, and will expire on December 14, 2007. Ms. Lynch is Ms. Fowler’s mother.

3. Effective February 25, 2007, Ms. Fowler’s license was subject to suspension for failure to comply with a previous Board Order, LS0603015APP. Additionally, on February 28, 2007, Ms. Fowler’s license was summarily suspended for failure to respond to requests for information from the Department. However, pursuant to LS0603015APP the Department Monitor received a report indicating that Ms. Fowler had conducted no less than 10 appraisals during the month of March 2007.

4. At least three of these appraisal reports on Ms. Fowler’s March 2007 roster bore the signature of Ms. Fowler. The remainder of the appraisal reports on Ms. Fowler’s March 2007 roster bore the signature of Ms. Lynch, without any co-signing supervisor. Pursuant to LS0603015APP, “all appraisals performed by (Ms. Lynch) must be supervised and co-signed by a licensed and certified appraiser in good standing.” Additionally, Ms. Lynch provided the Department with an appraisal report which she claimed to have performed, but which appeared on Ms. Fowler’s March 2007 roster, and for which the Department received a copy of the appraisal report from the client bearing Ms. Fowler’s signature.

5. Ms. Lynch stands mute when asked whether she performed the appraisals on Ms. Fowler's March 2007 roster.

6. Per paragraph 7 of the Order in LS0603015APP, "Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of either Respondents' license and certification, as applicable. The Real Estate Appraisers Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that either Respondent fails to timely submit any payment of the partial costs as set forth above, or fails to comply with other applicable terms of this Order, the applicable Respondent's license and certification (#4-1499 or 4-1353) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

7. Per Wis. Stat. § 458.26(3), "...the board may limit, suspend or revoke any certificate under this chapter... if the department or board finds that the... holder of the certificate has done any of the following: (a) Made a material misstatement... in any... information furnished to the board or department... (and) (c) Engaged in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills."

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 Board's Order in LS0603015APP, which required all appraisals performed by her to be supervised and co-signed by a licensed and certified appraiser in good standing, OR, in the alternative, by providing the Department with a material misstatement concerning whether or not she performed appraisals appearing on Ms. Fowler's March 2007 roster, **Linda M. Lynch** has violated Wis. Stat. § 458.26(3) (a) or (c), thereby subjecting herself to discipline.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The certificate of licensure and license of Respondent **LINDA M. LYNCH** (#4-1499) shall be, and hereby is **REVOKED**.

IT IS FURTHER ORDERED that:

2. All indicia of certification and licensure shall be submitted to the Department Monitor within 15 days of the date of signing this order by mailing or delivering the same 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

3. Case number 07 APP 048 is hereby closed as to Respondent **Linda M. Lynch** only.
4. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

7/11/07
Date

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 :
LINDA M. LYNCH and HEATHER : **STIPULATION AS TO**
LYNCH FOWLER, : **LINDA M. LYNCH**
 : **LS _____**
 :
RESPONDENTS. :

Division of Enforcement Case No. 07 APP 048

It is hereby stipulated and agreed, by and between Linda M. Lynch, 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 a pending investigation of Respondent's licensure by the Division of Enforcement (07 APP 048). 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 the advice of 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 her 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.

LINDA M. LYNCH

Respondent
3638 Serenity Trail
Madison, WI 53719

Date

MARK A. HERMAN

Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date