

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

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**IN THE MATTER OF THE REVIEW** :  
**OF THE REAL ESTATE APPRAISAL** :  
**EXPERIENCE OF** :  
: **FINAL DECISION AND ORDER**  
**JANET G. FAZEN,** :  
**LICENSED APPRAISER.** : **LS0805231APP**

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Division of Enforcement Files: 08 APP 026

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Janet G. Fazen  
S9W31512 Rocky Hill Glen  
Delafield, Wisconsin 53018

Department of Regulation and Licensing  
Office of the Secretary  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

**PROCEDURAL HISTORY**

Ms. Fazen has requested a hearing on the Department of Regulation and Licensing's denial of her request for review of her appraisal experience for Appraisal Qualifications Board compliance.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Secretary of Department of Regulation and Licensing. The Secretary has reviewed this Stipulation agreement annexed to this Final Decision and Order and considers it acceptable.

Accordingly, the Secretary in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Janet G. Fazen is a licensed appraiser in the state of Wisconsin, holding license # 4-1666, which was first granted on 12/09/2003.
2. Ms. Fazen's last known address of record with the Department of Regulation and Licensing (Department) is S9W31512 Rocky Hill Glen, Delafield, Wisconsin 53018.
3. On or about September 27, 2007, Ms. Fazen submitted a request to the Department to review her appraisal experience for Appraisal Qualifications Board (AQB) compliance as a licensed appraiser.
4. After review of three work samples submitted by Ms. Fazen, the Department's Real Estate Appraiser Application Advisory Committee recommended that the Department deny Ms. Fazen's request for AQB compliance because one appraisal work sample was found to be in violation of the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 2-2(b)(vi) for failing to include the effective date in the certification section of the appraisal.
5. On January 29, 2008, the Department denied Ms. Fazen's request for AQB compliance on the ground that Ms. Fazen's work samples failed to be in compliance with the USPAP in effect at the time the appraisals were prepared. Specifically, the Department found that Ms. Fazen's appraisal for property located at 3845 North 56<sup>th</sup> Street, Milwaukee,

WI, was missing the effective date in the certification section of the appraisal

6. On February 26, 2008, Ms. Fazen made a request for a hearing regarding the January 29, 2008, denial. In her hearing request, Ms. Fazen explained that the failure to include the effective date in the certification section of the appraisal was due to a technical glitch in the software when the report printed, because the effective date did properly appear elsewhere in the appraisal.

7. The effective date does appear elsewhere in the appraisal report.

8. In resolution of this matter, Janet G. Fazen consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.06.

2. The Wisconsin Department of Regulation and Licensing has the authority to enter into this stipulated agreement pursuant to Wis. Stat. § 227.44(5).

3. USPAP Standards Rule 2-2(b)(vi) requires that the appraisal “state the effective date of the appraisal.”

4. Because Ms. Fazen’s appraisal does state the effective date of the appraisal as required by USPAP, Ms. Fazen’s request for AQB compliance should be granted.

#### ORDER

1. NOW, THEREFORE, **IT IS HEREBY ORDERED** that Ms. Fazen’s request for AQB compliance be granted.

2. Department of Regulation and Licensing, Division of Enforcement case 08 APP 026 is hereby closed.

3. This Order shall become effective upon the date of its signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By Celia M. Jackson, Secretary

May 23, 2008

**STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

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**IN THE MATTER OF THE REVIEW** :  
**OF THE REAL ESTATE APPRAISAL** :  
**EXPERIENCE OF** :  
 : **STIPULATION**  
**JANET G. FAZEN,** :  
**LICENSED APPRAISER.** : **LS#08\_\_\_\_\_APP**

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Division of Enforcement Files: 08 APP 026

It is hereby stipulated between Janet G. Fazen and Lara M. Herman, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves a request for a hearing on the Department's denial of Janet G. Fazen's request for review of real estate appraisal experience for Appraisal Qualifications Board (AQB) compliance (08 APP 026). Ms. Fazen consents to the resolution of this matter by Stipulation and without a hearing.
2. Ms. Fazen understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing, at which time she has the burden of proving her qualification and fitness for AQB compliance by a 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 other provisions of state or federal law.
3. Ms. Fazen has been provided the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Ms. Fazen agrees to the adoption of the attached Final Decision and Order by the Secretary of Department of Regulation and Licensing (Secretary). 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. Ms. Fazen waives all rights to any appeal of the Secretary's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Secretary, 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 the Stipulation is not accepted by the Secretary, the parties agree not to contend that the Secretary 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 may appear before the Secretary, without the presence of Ms. Fazen or Ms. Fazen's attorney, for purposes of speaking in support of this agreement and answering questions that the Secretary may have in connection with deliberations on the Stipulation.
7. Ms. Fazen is informed that should the Secretary adopt this Stipulation, the Secretary'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 Ms. Janet G. Fazen in recommending the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

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**Janet G. Fazen**

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Date

Licensed Appraiser  
S9W31512 Rocky Hill Glen  
Delafield, Wisconsin 53018

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**Lara M. Herman**

Attorney  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

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Date