

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN

BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

HELEN R. PATENAUDE,

FINAL DECISION AND ORDER

RESPONDENT

LS0102281APP

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

Helen R. Patenaude

109 Congress Street

Oconto, WI 54153

Bureau of Business and Design Professions

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

The State of Wisconsin, Real Estate Appraisers Board, having considered the Stipulation Agreement annexed-hereto of the parties, in resolution of the captioned-matters, make the following:

ORDER

NOW, THEREFORE, IT IS ORDERED pursuant to jurisdiction and authority granted to the Board in Chapter 458, Wis. Stats., and sec. RL 2.12, Wis. Adm. Code, that the Stipulation agreement annexed-hereto, filed by Complainant's attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Real Estate Appraisers Board.

Let a copy of this Order be served on Respondent by Certified Mail.

Dated this 28th day of February, 2001.

Paul Vozar, or Designee

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

HELEN R. PATENAUDE,

STIPULATION

RESPONDENT

99 APP 029

Respondent Helen R. Patenaude (Patenaude), and Complainant's Attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agrees as follows:

1. Respondent Patenaude, 109 Congress Street, Oconto, WI 54153, is and was at all time material to the Complaint, certified as a Certified Residential Appraiser (#9-932), and had been so certified under the provisions of Chapter 458, Wis. Stats., since November 30, 1994.

2. This Stipulation shall be submitted to the Real Estate Appraisers Board (Board) for approval and disposition of the matter. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation.

a. This Stipulation is dispositive of investigative complaints #99 APP 029.

3. Respondent has been advised of her right to a public hearing on each and every allegation of the Complaint, but hereby freely and voluntarily waives her right to a hearing in this matter on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order adopting the Stipulation Agreement.

4. The Department received a complaint against Respondent regarding an appraisal performed by her on about June 26, 1999, by Wisconsin Department of Transportation (DOT).

5. The subject appraisal was performed on behalf of landowners, who have been contacted by DOT regarding condemnation of a triangular portion of their property for placement of an on-ramp to improve portions of U.S. Highway 41, in Oconto County, between Abrahams and Stiles to a four lane divided highway.

6. Per Respondent, the clients specifically requested the appraisal to include two values:

a. First, a value for the condemnation area where the DOT will place the on-ramp on the subject property; and

b. Second, an amount to represent a reduction in value of the remainder of the property, including the residence, to reflect placement of the on-ramp so close to their residence.

7. The Complaint alleged in pertinent part that:

"A vacant land grid was created to value the subject's 5.10 acre triangular shaped parcel in the before condition. Although the concluded value per acre is different from the comparable sale prices per acre, there is no indication from the explanation of adjustments how she got there. Although we felt time, shape, and location adjustments were pertinent in the local market, it is the lack of discussion as to the concluded values we find misleading.

An improved sale grid was prepared to value the whole property in the before condition. The subject property is a raised ranch with most of the half-depth basement utilized as living area. Ms. Patenaude uses one other raised ranch in her analysis, comparable #1. In her analysis, she states that the comparable sales all have full basements, like the subject, and no adjustments are necessary. She includes the subject's lower level in gross living space, but fails to deduct the value of the full basements in comparable sales 2 and 3 in the grid. Additionally, she adjusts the gross living area of the comp sales by \$10/square foot. A rather conservative adjustment for 1-

6 year old properties.

Ms. Patenaude then presents a rather dubious before conclusion of \$162,849 and after conclusion of \$149,032.50, a difference of \$13,816.50. In the next paragraph, page 18, she further deducts 20% or \$28,806.40 from the value of the home for closeness of the highway to the property. This is in addition to a previous 5% setback adjustment she made on the after grid.

To summarize, it is our opinion that Ms. Patenaude's report is misleading and in violation of Standards Rule 2-1."

SUMMARY OF OBSERVATIONS

- "1. Page 11. The land value conclusion does not make sense. It appears that she is trying to include the value of the well and septic in the site value. These items are allocated separately later in the report. No adjustment should be made as indicated in the explanation of adjustments which would result in a lower land value of about \$5,750/ac instead of \$7,300/ac. This mistake affects the remainder of the report.
2. Page 12. Comps 2&3 must have the wrong date because they would have occurred after the appraisal was made. There is no explanation of the age adjustment for Comp 1. It appears that Comp 1 has the finished basement, not Comp 2.
3. Page 14. It does not seem logical why Comp 2 which has the highest indicated value and the most adjustment is most comparable and given the most weight.
4. Pages 15&17. The adjustments landscaping and setback do not check out mathematically and there is no explanation where the \$7,300 for total landscaping comes from.
5. The final mistake and must serious is the "add on" of 20% damage to the entire property based on traffic and noise. This was not covered in the after analysis or market grid and there is no basis other than "opinion" for adding a damage of \$29,806.40.

Overall, the report indicates a lack of understanding of the appraisal process and is misleading."
(sic)

8. An investigation ensued into the matters, and the Case Advisor, a Certified General Appraiser assigned to the Complaint, reviewed and analyzed the subject appraisal report and concluded succinctly that:

"Respondent's appraisal report does not adequately explain the adjustments made. There is conflicting adjustments and lack of adjustment for the basement."

9. Accordingly, based upon the above enumerated facts, Respondent has violated sec. 458.26(3), Wis. Stats., engaged in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills; violated secs. RL 86.01(1)-(2), (6), Wis. Adm. Code, (1)-(2), all appraisals...shall conform with USPAP, and (6). ...Appraisers shall not offer to perform, nor perform services which he/she is not competent to perform through education or experience; violated USPAP's Standards Rule 2-1(a)-(c), each written or oral real property appraisal report must...

10. Based upon the above and in settlement of these matters, Respondent Patenaude hereby consents, accepts and agrees to take and successfully complete a minimum of 4 hours of Department's approved USPAP training related to Eminent Domain or property taking, within six (6) months of the effective date of the Board's Final Decision and Order Adopting the Stipulation Agreement; and to pay the amount of \$300.00 as part assessment of costs, payable at the time of the execution of this Stipulation by Respondent.

a. Respondent has already completed the ordered USPAP education in anticipation of this Stipulation Agreement.

11. The ordered education shall not count or be credited toward Respondent's required continuing education. The \$300.00 part assessment of costs shall be payable by cashier's check or money order made payable to the Department of Regulation and Licensing, and both proof of successful completion of the ordered education and payment of the part assessment of costs shall be submitted to the Department Monitor:

Marlene Meyer

Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

12. Respondent agrees that this Stipulation Agreement may be incorporated into the Board's Final Decision and Order Adopting the Stipulation Agreement.

13. Respondent further agrees that Complainant's Attorney Sanders and the Case Advisor assigned to the Complaint, may appear at any closed deliberative meeting of the Board with respect to the Stipulation, but those appearances will be limited solely to clarification, justification, and to statements in support of the Stipulation and for no other purpose.

Helen R. Patenaude,	2-3-01
Respondent	Date

Henry E. Sanders,	2-8-01
Complainant's Attorney	Date