

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	LS0408111APP
LINDA J. RATHMANN,	:	
RESPONDENT	:	

FINAL DECISION AND ORDER

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

Linda J. Rathmann
5507 South Street
Richmond, IL 60071

Division of Business Licensure and Regulation
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 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 (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 J. Rathmann (Respondent) of 5507 South Street, Richmond, IL 60071, is and was at all times material to the complaint held a certificate of licensure, and certificate of certification as a Certified Residential Appraiser (#1011-9), and had been so certified and licensed under the provisions of ch. 458, Wis. Stats. since January 16, 1996.
2. Respondent performed an appraisal, signed by Respondent on August 12, 1998, with an estimated of market value of \$68,000.00. The subject property was a four unit, two-story property, and the lender was Bayshore Mortgage, LLC ISAOA.
3. The appraisal utilized insufficient or inaccurate information regarding the subject property and comparable properties, contrary to the Uniform Standards of Professional Appraisal Practice (USPAP). USPAP Standards Rule 1-1 (b) is recited, in relevant part, below.

Standards Rule 1-1

In developing a real property appraisal, an appraiser must:

- (b) not commit a substantial error of omission or commission that significantly affects an appraisal;

4. Respondent failed to adhere to USPAP Standards Rule 1-1(b) by failing to gather factual information in a manner that was sufficiently diligent to ensure that she produced an appraisal free of significant or material errors.
5. Respondent conducted an appraisal of a property located at 2643 North Fratney, dated March 12, 1998, and concluded that the property had a market value of \$44,500.
6. The property had been sold on June 1, 1994, for \$23,000.00.
7. Respondent's appraisal was not properly adjusted, contrary to USPAP. Specifically, with respect to comparable no. 1, it was newly remodeled, whereas the subject property needs some work, but no adjustment was made; with respect to comparable no. 2, the lot adjustment does not appear to be correct in that there should have been a plus adjustment; and with respect to comparable no. 3, the lot adjustment was not correct in that there should have been a plus adjustment. Additionally, comparable no. 3 had better functional adequacy due to three bedrooms. USPAP Standards Rule 1-1 (a) is recited, in relevant party, below.

Standards Rule 1-1

In developing a real property appraisal, an appraiser must:

- (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal;

8. Respondent failed to adhere to USPAP Standards Rule 1-1(a) by failing to properly adjust comparable properties, thereby incorrectly employing recognized methods and techniques that are necessary to produce a credible appraisal.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in these matters pursuant to § 458.26, Stats.
2. The Wisconsin Real Estate Appraisers Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5).
3. Respondent by engaging in the conduct set out above, has violated USPAP Standards, which violates § 458.24, Stats., and which also violates Wis. Admin. Code § RL 86.01(1)-(2), which is unprofessional or unethical conduct that is subject to discipline pursuant to § 458.26(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Linda J. Rathmann, is REPRIMANDED for the conduct set out above.
2. Within 6 months of the date of this Order, Respondent shall take and complete 7 hours of continuing education on the subject of USPAP Standards, which course or courses shall first be approved by the Section, or its designee. These credits shall be in addition to the continuing education required for renewal of licensure for the following biennium, by Wis. Adm. Code § RL 85.01(1), and shall not be applied towards meeting that requirement.
3. If Respondent is unable to complete the continuing education described in the preceding paragraph within 6 months of the date of this Order, Respondent shall, within that period of time, petition the Board, or its designee, for a reasonable extension of time within which to take and complete such continuing education. An extension shall be granted only in the event of an illness or other circumstance, which is found to be acceptable by the Board or its designee.
4. Respondent shall provide proof sufficient to the Board of Respondent's satisfactory completion of the continuing education within 30 days of completion.

5. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$500.00, pursuant to § 440.22(2), Stats.
6. All payments, requests for approval of continuing education or an extension of the time within which to complete the continuing education, and evidence of completion of the education required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

7. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's license as a clinical social worker in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation.

Dated at Madison, Wisconsin this 11th day of August, 2004.

LaMarr Franklin
Chair
Real Estate Appraisers Board