

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 :
 : FINAL DECISION AND ORDER
HELEN R. PATENAUDE, :
 : LS0411242APP
RESPONDENT. :

Division of Enforcement Case No. 01 APP 032

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

Helen R. Patenaude
109 Congress Street
Oconto, WI 54153

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 this matter agree to the terms and conditions of the attached Stipulation as the final decision of the matter, 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. Helen R. Patenaude (“Patenaude”), whose date of birth is November 13, 1942, possesses a certificate of licensure and a certificate of certification to practice as a Certified Residential Appraiser in the state of Wisconsin (#9-932). The certification was first granted on November 30, 1994.
2. Patenaude’s last address of record reported to the Department of Regulation and Licensing (“Department”) is 109 Congress Street, Oconto, WI, 54153.
3. On or about October 1, 2000, Patenaude conducted an appraisal of real property located at W7673 North Street, Middle Inlet, Wisconsin, 54114 (“subject property”).
4. Patenaude gave an opinion that the subject property had an estimated market value of \$139,500 on the date of the appraisal, which is the same value that was indicated by her sales comparison approach.
5. Patenaude’s information regarding comparable sales, as stated in her October 1, 2000, appraisal of the subject property, was inaccurate. Inaccuracies included, but were not limited to, the following: (a) site area of comparable 1 was listed as 5 acres when the actual area was 36.09 acres; (b) age and effective age of comparable 1 was listed as 45 and 40 years, respectively, when actual age was 22 years; (c) that comparable 1 was built on a slab, when, in fact it had a basement; (d) failing to note that comparable 2 had approximately 620 feet of water frontage; (e) comparable 2 had no finished basement, when, in fact, it had a family room of over 400 square feet, a bedroom of over 120 square feet, a shower, and the basement was partially exposed, with a walkout to the rear of the property.
6. Patenaude’s response to the Department included an appraisal of the subject property dated October 5, 2000. Patenaude claimed that she created the October 5, 2000, appraisal, and that the October 1, 2000, appraisal was erroneously

given to the home owners. Subsequently, Patenaude forwarded to the Department a document alleged to be a fax cover letter from All American Mortgage, Inc., requesting that she replace comparable sales 2 and 3, and provide 2 additional comparable sales.

7. USPAP Standards Rule 1-1 (c) requires an appraiser to “not render appraisal services in a careless or negligent manner...”

8. A failure to comply with any USPAP Standards Rule is a violation of Wis. Stat. § 458.26(3)(a), and Wis. Admin. Code § RL 86.01(1) as it was in effect upon the date of the violation.

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 exercise due diligence and due care in gathering factual data, resulting in errors of the type set forth in paragraph 5 of the Findings of Fact, above, Patenaude violated USPAP Standards Rule 1-1(c), and thereby violated Wis. Admin. Code § RL 86.01(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The certificate of licensure and a certificate of certification of Respondent HELEN R. PATENAUDE, to practice as a Certified Residential Appraiser in the state of Wisconsin (#9-932) be, and hereby is SUSPENDED for a period of SIX MONTHS to begin on November 1, 2005. It is agreed that during the term of this suspension Respondent may conduct appraisals that are performed for use in a federally related transaction. However, Respondent assumes the risk of ensuring that no appraisal performed by her is used in a federally related transaction.

IT IS FURTHER ORDERED that:

2. Within three hundred (300) days of the date of signing of this order, Respondent shall submit proof of successful completion of one of two appraisal courses offered by or sanctioned by the Appraisal Institute, to include successful completion of end of course test: either *Basic Appraisal Principles* or *Basic Appraisal Procedures*.

3. Within three hundred (300) days of the date of signing of this order, Respondent shall pay the costs of the Division of Enforcement in investigating and prosecuting this matter in the amount of \$2,000.

4. All submissions required by this order to be submitted to the Department Monitor 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. 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 Respondent's license and certification. The 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 the Respondent fails to timely submit any payment of the partial cost as set forth above, or fails to comply with the ordered continuing education the Respondent's license and certification (9-958) SHALL BE SUSPENDED, without further notice or hearing.

until Respondent has complied with the terms of this Order.

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

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

10/19/05
Date