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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
BARBARA A. SHANNON,	:	LS07091216APP
RESPONDENT.	:	

Division of Enforcement case file 06 APP 016

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

Barbara A. Shannon
N6471 390th St.
Menomonie, WI 54751

Wisconsin 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 disposition of this matter, subject to the approval of the Wisconsin Real Estate Appraisers Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Barbara A. Shannon is licensed in the State of Wisconsin as a Certified Residential Appraiser having license #9-1307. This license was first granted to her on October 24, 2003. Ms. Shannon’s most recent address on file with the Department of Regulation and Licensing (“Department”) is N6471 390th St., Menomonie, WI 54751.
2. Ms. Shannon performed an appraisal of property at E 4710 Co. Rd. BB in Menomonie, Wisconsin as of November 24, 2004 for Wisconsin Tri-County Disabled American Veterans (DAV). Her estimate of value was \$740,000.
3. In late 2005, upon request from Larry Stork, who identified himself as the new DAV commander, Ms. Shannon provided a second copy of the appraisal report to Mr. Stork. The copy of the report provided to Mr. Stork did not contain an unnumbered two-page Cost Estimate insert which she said was part of the original report. This omission led Mr. Stork to claim that Ms. Shannon did not utilize the Cost Approach.
4. Under sec. 458.01 (13), Wis. Stats., Ms. Shannon’s license as a Certified Residential Appraiser authorizes her to conduct appraisals of residential real estate or of commercial real estate having a transaction value of not more than \$250,000.
5. Ms. Shannon determined that the highest and best use of the property was its present use, that is, as a recreation center. All of the comparable sales chosen by Ms. Shannon for comparison were industrial usage.
6. The appraisal report prepared by Ms. Shannon stated incorrectly that its function was to “facilitate estate settlement”.

7. In her Statement of Limiting Conditions, Ms. Shannon stated that she had estimated the value of the land in the Cost Approach, but there is no indication in the report as to how the land value was derived, and there is no land value included in the report.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to sec. 458.26, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

2. Barbara A. Shannon violated sec. 458.01 (13), Wis. Stats. by appraising commercial property valued at more than \$250,000.

3. Ms. Shannon violated USPAP Standards Rule 1-1 (a,b,c), SR 1-4 (a), SR 2-2 (a,b,c)-(ix), the USPAP Competency Rule, and Wis. Stat. sec. 458.26 (3) (c) by comparing sales of industrial properties to a recreation center, and thereby failing to adequately collect and report comparable sales..

4. Ms. Shannon violated USPAP Standards Rule 1-1 (c) by stating that the function of the appraisal was to “facilitate estate settlement”.

5. Ms. Shannon violated USPAP Standards Rule 1-1 (c) by failing to state how the land value was derived and by failing to include the land value in the report.

6. Respondent Barbara A. Shannon is subject to discipline for the violations listed above.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED that Barbara A. Shannon be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED that Barbara A. Shannon’s Certified Residential Appraiser license is hereby **LIMITED** starting on the 10th business day after the date of this Order, as follows:

- Except for demonstration appraisals, Barbara A. Shannon shall not appraise commercial properties without supervision.

This limitation shall continue for a minimum of two years following the issuance of this order, at which time Ms. Shannon may petition the Board for its removal upon submission of evidence satisfactory to the Board of additional education and experience performing commercial appraisals.

IT IS FURTHER ORDERED that within two years of the date of this Order, Barbara A. Shannon must successfully complete an Appraisal Institute course in highest and best use, and take and pass the final examination in the course. Ms. Shannon shall submit proof of successful completion in the form of verification from the institution providing the education to the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 261-7904

None of the education completed pursuant to this order may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that Barbara A. Shannon pay costs of this matter in the amount of **\$1,542.49** within 60 days of

the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor.

In the event Ms. Shannon fails to pay the costs within the time and in the manner as set forth above, or fails to successfully complete the educational requirements in the manner set forth, her Certified Residential Appraiser license shall be suspended without further notice to the Respondent, without further hearing, and without further Order of the Board, and said suspension shall continue until this order has been complied with, either until full amount of said costs have been paid or until proof of completion of all educational requirements has been received.

IT IS FURTHER ORDERED that the violation of any of the terms of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license; the Board in its discretion may in the alternative impose additional conditions and limitations or other discipline.

IT IS FURTHER ORDERED that file 06 APP 016 be closed.

Dated this 12th day of September, 2007.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Marla L. Britton
A member of the Board