

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 :
 : **FINAL DECISION AND ORDER**
 PAMELA SINGERHOUSE and : **AS TO KERRY K. LANGER**
 KERRY K. LANGER, : **LS0707114APP**
 :
 :
 RESPONDENTS. :

Division of Enforcement Case No.s 05 APP 050, 06 APP 130 and 06 APP 132

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

Kerry K. Langer
814 Northview Drive
Hudson, WI 54016

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

PROCEDURAL HISTORY

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. 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 Kerry K. Langer (“Langer”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 814 Northview Drive, Hudson, WI 54016, and whose date of birth is April 17, 1968, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser (#9-1265). The certificate was first granted on June 18, 2002, and will expire on December 14, 2007.

2. Respondent Pamela Singerhouse, f/k/a Pam Dau (“Singerhouse”), whose last known address of record with the Department is 1135 212th Avenue, New Richmond, WI 54017, and whose date of birth is July 23, 1960, possesses a certificate of licensure and a certificate of certification to practice as a licensed appraiser (#4-1815). The certificate was first granted on June 24, 2004, and will expire on December 14, 2007.

Count I: Hammond, WI Appraisal

3. On August 15, 2004, Pamela Singerhouse signed an appraisal report and certification statement for an appraisal of real property located at 1085 Vine Street, Hammond, WI (“subject property”). Kerry K. Langer signed the appraisal report as a “supervisory appraiser” and indicated that she “did” inspect the property.

4. A review of the appraisal report for the subject property shows violations of the Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:

a. USPAP Standards Rules 1-1(a), 1-4(a) and 2-1 by: (1) failing to utilize as comparable sales two sales from the same neighborhood as the subject property, including one which is located on the same block, and/or by failing to include same as additional comparables to provide location support, and which would have indicated a lower value for

the subject property; and (2) failing to make any adjustments for differences in basement area between the subject property and the comparables selected.

b. USPAP Standards Rule 1-2(f) by failing to include required elements of a scope of work statement.

c. USPAP Standards Rule 1-5 by failing to analyze the current listing and agreement of sale, which contained a list price of \$154,000 and a net sales price of \$151,000, while the market value conclusion was \$169,000.

5. Per Wis. Stat. § 458.26(3), "... the board may limit, suspend or revoke any certificate under this chapter... if the... board finds that the... holder of the certificate has done any of the following: (b) Engaged in unprofessional... conduct in violation of rules promulgated under s. 458.24.

6. Per Wis. Admin. Code § RL 86.01(2), "All appraisals performed in conjunction with federally related transactions and non-federally related transactions shall conform to the uniform standards of professional appraisal practice set forth in Appendix I."

Count II: Amery, WI Appraisal

7. On February 10, 2006, Kerry K. Langer signed an appraisal report and certification statement for an appraisal of real property located at 553 155th Street, Amery, WI (“subject property”).
8. A review of the appraisal report for the subject property shows violations of the Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:
 - a. USPAP Ethics Rule, Record Keeping Section by: failing to include and retain as file materials the following items, which Ms. Langer has represented to the Department that she relied upon in developing her appraisal of the subject property: (1) land sales; (2) market extraction to support adjustment of \$300.00 per acre; and (3) market extraction to support adjustment for below-grade finish.
 - b. USPAP Standards Rule 1-1(a) and 2-1 by failing to provide any explanation or support for location adjustments.
 - c. USPAP Standards Rule 1-1(b) and 2-1 by make adjustments for: (1) quality of construction of comparable sales #1 and #3, which were stick-built homes, v. the subject property, which is a manufactured home; (2) features of comparable sale #1, which possessed a heated garage and walk-out basement; and (3) features of comparable sale #3 including walk-out basement, heat insulation for pole building, and above-average quality construction features such as hickory cabinets, custom tile counter.
 - d. USPAP Standards Rule 1-2(c) by failing to provide an opinion of reasonable exposure time linked to the value opinion.
 - e. USPAP Standards Rule 1-4(b), by providing no support in the cost approach for the conclusion regarding land value.
9. In the signature section Ms. Langer identified herself as possessing Minnesota license number 1265-009.
10. Per Wis. Stat. § 458.16, “Each certified appraiser shall place his or her title... and certificate number on each appraisal report... in a manner specified by the department in rules...”
11. Per Wis. Admin. Code § 86.03(1), “each licensed and certified appraiser shall place his or her certificate number adjacent to or immediately below the title... “Wisconsin certified residential appraiser”... on each appraisal report...”

Count III: Clear Lake, WI Appraisal

12. On February 3, 2005, Pamela Singerhouse signed an appraisal report and certification statement for an appraisal of real property located at 259 1st Street, Clear Lake, WI (“subject property”). Kerry K. Langer signed the appraisal report as a “supervisory appraiser” and indicated that she “did” inspect the property.

13. Ms. Singerhouse and Ms. Langer estimated the market value of the subject property as \$248,000 effective January 31, 2005. Since the date of the appraisal the subject property has been listed for sale twice. The subject property was listed for sale from March 10, 2006 to September 10, 2006, with a list price of \$242,000 (Western Wisconsin MLS # 3164765). This first listing expired without a sale. The subject property was listed for sale a second time from September 11, 2006 through at least February 16, 2007 with a list price of \$249,900 (Western Wisconsin MLS # 3265233). Both listings represented that the subject property’s site consisted of 40 acres with 1,320 feet of river frontage, whereas Ms. Singerhouse and Ms. Langer determined the market value of the subject property by assuming that the property consisted of 20 acres, and without referencing any river frontage. The fact that the subject property was listed for over 340 days with superior acreage and site attributes without sale suggests that the market value of the property may have been overstated by Singerhouse and Langer.

14. Ms. Langer did not state the nature of her certification and licensure on the appraisal report.

15. A review of the appraisal report for the subject property shows violations of the Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:

- a. USPAP Ethics Rule, Record Keeping Section by: failing to include and retain as file materials the following items, which Ms. Singerhouse has represented to the Department that she relied upon in developing her appraisal of the subject property: (1) land sales; and (2) market extraction to support adjustment for below-grade finish.
- b. USPAP Standards Rule 1-1(a) and (b) and 1-4(a) by making several errors or omissions, including, but not limited to, the following: (1) selecting as a set of nine comparables properties (rather than the most similar three) that were so dissimilar that they produced adjusted value range of \$207,000 to \$325,920, rendering the employment of the sales comparison approach meaningless; (2) failing to make quality of construction adjustments for comparables which were apparently stick-built homes, rather than modular or manufactured housing like the subject; and (3) failing to make consistent adjustments for acreage.
- c. USPAP Standards Rule 1-2(a) and (b) by failing to explicitly identify the intended users and intended use of the appraisal report.
- d. USPAP Standards Rule 1-2(c) by failing to provide an opinion of reasonable exposure time linked to the value opinion.
- e. USPAP Standards Rule 1-2(e) by identifying the subject property as consisting of 20 acres, rather than 40 acres, and failing to state that the property included river frontage, without the use of an extraordinary assumption.
- f. USPAP Standards Rule 2-2 by failing to identify the reporting option used.

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 performing appraisals and rendering appraisal reports that do not conform to the Uniform Standards of Professional Appraisal Practice and by failing to properly identify her credentials, as set forth more fully above in paragraphs 4, 8, 9, 13, 14 and 15 of the Findings of Fact, **Kerry K. Langer** has committed two violations of Wis. Stat. § 458.16 and Wis. Admin. Code § 86.03(1), and ten or more violations of Wis. Admin. Code § RL 86.01(2), thereby subjecting herself to discipline per Wis. Stat. § 458.26(3)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of **Kerry K. Langer** (license # 9-1265) shall be, and hereby is, **REPRIMANDI**

LIMITED as follows: For a period of six months, and beginning one hundred and twenty days after the date of signing of this Order, Ms. Langer shall submit a roster listing all appraisal reports performed in the preceding calendar month; the Department shall select one report at random per month to review; upon receipt of notification from the Department (which may be verbal or via electronic mail) Ms. Langer shall immediately provide a true, correct and complete copy of the report as submitted to the lender along with complete work file for the appraisal; if the Board's Monitoring Liaison concludes, and an expert witness hired by the Department agrees, that any such appraisal report contains USPAP violations that individually or in the aggregate affected the value conclusion by 10% or more, then the license and certification of Ms. Langer (#4-1815) shall be **SUSPENDED** for a period of sixty (60) days without further notice or hearing. The Department reserves the right to take other disciplinary action against Ms. Langer based on USPAP violations found in any such appraisal report as it deems appropriate, via the standard complaint process.

IT IS FURTHER ORDERED that:

2. **Kerry K. Langer** must successfully complete the following as remedial education, which may not be counted toward his continuing education requirements: (a) Residential Report Writing and Case Studies (15 hours), offered by the Appraisal Institute; (b) Basic Appraisal Procedures, offered by the Appraisal Institute; and (c) Business Practices and Ethics, offered by the Appraisal Institute. All courses must be completed within one year of the date of signing of this Order. Successful completion of one or more of these courses will include successful completion of any testing component, if offered.

3. **Kerry K. Langer** shall pay costs of these investigations in the amount of \$2,500 within one year of the date of signing of this Order.

4. **Kerry K. Langer** shall pay forfeiture in the amount of \$1,000 by December 1, 2007.

5. All submissions and payments required by this Order shall be mailed, faxed, delivered or otherwise transmitted to the Department.

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 (4-1815) **SHALL BE SUSPENDED**, without further notice or hearing until Respondent has complied with the terms of this Order.

6. Case numbers 05 APP 050, 06 APP 130 and 06 APP 132 are hereby closed as to Respondent Kerry K. Langer.

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

REAL ESTATE APPRAISERS BOARD

By: Mark P. Kowbel
A Member of the Board

7/11/2007
Date

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 :
PAMELA SINGERHOUSE and : **STIPULATION AS TO**
KERRY K. LANGER, : **KERRY K. LANGER**
 : **LS _____**
 :
RESPONDENTS. :

Division of Enforcement Case No.s 05 APP 050, 06 APP 130 and 06 APP 132

It is hereby stipulated and agreed, by and between Kerry K. Langer, Respondent; and Mark A. Herman, attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation resolves pending investigations against Respondent's licensure and certification by the Division of Enforcement (05 APP 050, 05 APP 087, 06 APP 130 and 06 APP 132). Respondent consents to the resolution of these investigations by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations 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 any other provisions of state or federal law.

3. Respondent has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (Board). 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, 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 this Stipulation is not accepted by the Board, the parties agree not to contend that the Board 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 and any member of the Real Estate Appraisers Board ever assigned as an advisor in this investigation may appear before the Board, without the presence of Respondent or her attorneys, for purposes of speaking in support of this agreement and answering questions that any person may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board'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 Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

KERRY K. LANGER

Respondent
818 Northview Drive
Hudson, WI 54016

Date

MARK A. HERMAN

Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date