

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
DANIEL R. FEIA,	:	LS - 0709203 - APP
RESPONDENT.	:	and LS - 0712061 - APP

Division of Enforcement case files 06 APP 059, 07 APP 024 and 07 APP 122

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

Daniel R. Feia
640 7th St.
North Hudson, WI 54016

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

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Real Estate Appraisers Board on September 20, 2007. A second Complaint was filed on December 6, 2008 along with a Motion for Joinder. Prior to a hearing on the Complaints, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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. Daniel R. Feia is licensed in the State of Wisconsin as a Real Estate Appraiser having license #9-1327. This license was first granted to him on January 5, 2004. Mr. Feia's most recent address on file with the Department of Regulation and Licensing ("Department") is 640 7th St., North Hudson, WI 54016.

With regard to case 06 APP 059:

2. On September 5, 2004, Mr. Feia completed an appraisal of property located at 1246 Highway 63 in Baldwin, Wisconsin as of September 3, 2004.

3. A case advisor assigned by the Real Estate Appraiser's Board reviewed Mr. Feia's appraisal report and concluded the following in a review report dated January 25, 2007.

- a. The report does not identify the client and intended user(s).
- b. The report does not provide the type and definition of value and the value source.
- c. The report does not provide a Scope of Work sufficient to summarize the level of work used to develop the appraisal.
- d. The report does not include a signed certification as required by SR 2-3.
- e. The report does not provide how the site value is derived in the Cost Approach.
- f. The report does not provide adequate reasoning for adjustments, analysis, opinions and conclusions.
- g. A finished but unheated attic should not be included in Gross Living Area. Mr. Feia did not list the attic in his description of improvements as any living space, but

accounted for the area under "other".

h. Mr. Feia committed multiple errors and oversights in the Sales Comparison approach.

i. Mr. Feia's errors and omissions, when considered together, created a misleading report.

With regard to case 07 APP 024:

4. On October 31, 2006, Mr. Feia completed an appraisal of property located at 306 Oak Street in Eau Claire, Wisconsin as of October 12, 2006.

5. A mortgage wholesaler who funded a loan based on Mr. Feia's appraisal asked another appraiser to perform a field review of Mr. Feia's appraisal, and reported Mr. Feia's appraisal to the Department as containing numerous inaccuracies.

6. A copy of the complaint was sent to Mr. Feia on March 30, 2007 with a request for a response by April 25, 2007. On or about April 25th, Mr. Feia called the Department and asked for a short extension to get all his documents together. Investigator Austin granted him an extension to May 20, 2007. On May 21st and May 29th, Investigator Austin called Mr. Feia and left voicemail messages for him informing him that if his response was not received promptly, the Department would proceed on the basis of the information it has, and also that a failure to respond can be an independent basis for imposing discipline. Mr. Feia did not respond in any way by May 30, 2007. A proposed Stipulation and Final Decision and Order was sent to Mr. Feia on June 25, 2007 and on June 29, 2007 Mr. Feia provided documentation that he had injured himself by falling on a nail-studded board on May 23, 2007 and that he had suffered injuries in an ATV accident on May 27, 2007. Another proposed Stipulation and Final Decision and Order was sent to Mr. Feia on August 8, 2007. Attorney Schweitzer tried to call Mr. Feia on September 5, 2007 but his voice-mail was full, so he sent an email instead requesting Mr. Feia to contact him. Also on September 5, 2007, Investigator Austin sent the same message to Mr. Feia by fax and left a voicemail message on Mr. Feia's home phone number. On September 10, 2007, Investigator Austin called Mr. Feia's brother and asked him to convey a message to Mr. Feia to call the Department; Mr. Austin called back a few days later and confirmed that the message had been passed on to Mr. Feia. On September 21, 2007, the Complaint and Notice of Hearing were sent to Mr. Feia. Mr. Feia called the Department on or about October 16, 2007.

With regard to case 07 APP 122:

7. On September 23, 2005, Mr. Feia completed an appraisal of property located at Lot 1, Ridgeview Drive in Eau Claire, Wisconsin as of September 2, 2005.

8. An appraiser in Eau Claire sent a copy of Mr. Feia's appraisal report to the Department as containing numerous inaccuracies.

With regard to all cases:

9. Mr. Feia does not admit the alleged violations but he does not wish to contest them, and he wishes to voluntarily surrender his appraiser's license and his automatic right to renew.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to section 458.26 (3) of the Wisconsin Statutes, and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

ORDER

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

IT IS FURTHER ORDERED that the Real Estate Appraisers Board accepts the voluntary surrender of Daniel R. Feia's Real

Estate Appraisers license and his automatic right to renew. This means that if Mr. Feia applies for a Real Estate Appraisers license in the future, he will be required to submit an application as a new applicant; further, the board may consider these allegations in its decision, or even reopen these matters for investigation.

IT IS FURTHER ORDERED that a copy of this Final Decision and Order be sent to the Minnesota Department of Commerce Licensing Division.

IT IS FURTHER ORDERED that files 06 APP 059, 07 APP 024 and 07 APP 122 be closed.

Dated this 27th day of February, 2008.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A member of the Board