

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
COLLEEN F. LITFIN and	:	AS TO COLLEEN F. LITFIN
KERRY K. LANGER,	:	LS0808134APP
	:	
RESPONDENTS.	:	

Division of Enforcement Case No.s 07 APP 055 and 07 APP 061

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

Colleen F. Litfin
410 Highland View
Houghton, WI 54082

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, 2009.

2. Respondent Colleen F. Litfin, whose last known address of record with the Department is 410 Highland View, Houlton, WI 54082, and whose date of birth is April 24, 1963, possessed a certificate of licensure and a certificate of certification to practice as a licensed appraiser (#4-1538). The certificate as a licensed appraiser was first granted on March 20, 2003, and will expired on December 14, 2007. Additionally, Ms. Litfin possessed a certificate of licensure and a certificate of certification to practice as a certified residential appraiser (#9-1389). The certificate as a certified residential appraiser was first granted on August 25, 2004, and expired on December 14, 2007.

3. On December 12, 2002, Ms. Litfin and Ms. Langer signed an appraisal of real property located in Maiden Rock, Wisconsin. (“Maiden Rock appraisal.”).

4. On May 23, 2004, Ms. Litfin and Ms. Langer signed an appraisal of real property located in New Richmond, WI. (“New Richmond appraisal.”)

5. A review of the appraisal reports for the Maiden Rock and New Richmond appraisals shows that Ms. Litfin violated of the Uniform Standards of Professional Appraisal Practice (USPAP) including, but not limited to, the following:

- a. USPAP Standards Rule 1-1(a), by selecting inappropriate comparable sales, such as selecting two homes which were newly constructed for a subject which was 29-year-old, without reporting how or why the subject was in equivalent condition, and without appropriate adjustments for age.
- b. USPAP Standards Rule 1-1(b), by incorrectly reporting the sales prices of comparable sales (by \$10,000 or more in two cases); by failing to correctly note and adjust for characteristics of comparable properties (for example, two comparable sales were reported as having off-site parking and making adjustments v. a subject with a two-car attached garage, when, in fact, the comparables also had two-car attached garages); and making adjustments which were internally inconsistent.
- c. USPAP Standards Rule 1-5(b), by failing to analyze a prior sale of the subject property, which occurred 13 months prior to the effective date of the appraisal, and which was \$76,000 less, or 34% less, than Ms. Litfin’s opinion of market value.

6. 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.

7. 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.”

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, as set forth more fully above in paragraph 5 of the Findings of Fact, **Colleen F. Litfin** has committed three 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 **VOLUNTARY SURRENDER** of the right to renew all licenses and certifications by **Colleen F. Litfin** (

4-1538 and #9-1389) shall be, and hereby is, **ACCEPTED**. All indicia of licensure shall be returned to the Department of Regulation and Licensing within thirty (30) days of the date of signing of this Order. Ms. Litfin further agrees to not submit any application for any certificate or licensure as an appraiser from the Wisconsin Department of Regulation and Licensing for a period of SIX MONTHS from the date of signing of this Order. In the event that Ms. Litfin is ever issued a license or certification as an appraiser by the Wisconsin Department of Regulation and Licensing, the history of the license or certification shall reflect that her license was reprimanded and suspended for a period of SIX MONTHS.

IT IS FURTHER ORDERED that:

2. **Colleen F. Litfin** shall pay costs of these investigations in the amount of \$600.00. Costs shall be due and owing on the date of receipt by the Department of Regulation and Licensing of any application for certification or licensure, whether temporary or permanent, and whether reciprocal or otherwise.

3. In addition to any continuing education obligations, **Colleen F. Litfin** shall successfully complete no less than 40 hours of remedial education. Proof of successful completion of remedial education shall be due on the date of receipt by the Department of Regulation and Licensing of any application for certification or licensure, whether temporary or permanent, and whether reciprocal or otherwise.

4. All submissions required by this Order and payment of costs shall be mailed, faxed, delivered or otherwise transmitted 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, Respondent's license and certification (#4-1538 and #9-1389) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. Case numbers 07 APP 055 and 07 APP 061 is hereby closed as to Respondent Colleen F. Litfin only.

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

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A Member of the Board

8/13/08
Date

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

**IN RE DISCIPLINARY PROCEEDINGS
AGAINST**

**COLLEEN F. LITFIN and
KERRY K. LANGER,**

RESPONDENTS.

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:
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:

**STIPULATION
AS TO COLLEEN F. LITFIN
LS _____**

Division of Enforcement Case No.s 07 APP 055 and 07 APP 061

It is hereby stipulated and agreed, by and between Colleen F. Litfin, 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 (07 APP 055 and 07 APP 061). 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.

COLLEEN F. LITFIN

Respondent

New Richmond, WI 54017

Date

MARK A. HERMAN

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

Date