

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
 ROCHELLE L. MORRISON, :
 : LS08111914APP
 :
 RESPONDENT. :

Division of Enforcement Case No.s 08 APP 041 and 08 APP 042

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

Rochelle L. Morrison
2644 Shade Tree Lane
Green Bay, WI 54313

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 these matters agree to the terms and conditions of the attached Stipulation as the final decision of the matter(s), 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 Rochelle L. Morrison ("Morrison"), whose last known address of record with the Department of Regulation and Licensing ("Department") is 2644 Shade Tree Lane, Green Bay, WI 54313, and whose date of birth is July 31, 1970, holds a certificate of licensure and license as a licensed appraiser in the state of Wisconsin (#4-1467). The certificate was first granted on July 2, 2002, and will expire on December 14, 2009.

Count I: Conduct Evidencing a Lack of Ability to Apply Professional Principles

2. On December 17, 2007, Rochelle Morrison conducted an appraisal of real property located in Shawano, Wisconsin for Brookfield Home Loans of Brookfield, Minnesota (BHL). After completion and transmission of the appraisal to BHL Ms. Morrison was informed by BHL that the appraisal was being conducted for Countrywide Home Loans (CHL). Ms. Morrison is not an approved appraiser for CHL. Ms. Morrison then scanned the signature of another appraiser, S.J.S., and affixing his signature and licensure number to the report.

3. Per Wis. Stat. § 458.26(3), "...the board may limit, suspend or revoke any certificate under this chapter... if the department or board finds that the... holder of the certificate has done any of the following: ... (c) Engaged in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills."

4. On November 13, 2007, Ms. Morrison executed a stipulation for previously altering a check received directly from a client, and for depositing checks issued to a former employer for appraisal work performed into her personal checking account and without permission. On February 27, 2008, the Board accepted the stipulation. Under the terms of the stipulated Order, Ms. Morrison was suspended for a period of six months, and other disciplinary sanctions were imposed.

Count II: USPAP Violations

5. Anonymous complaints were received by the Department of Regulation and Licensing in these matters (08 APP 041 and 08 APP 042). The complaints concerned the Shawano, WI, property referenced above, and a property located in Oneida, WI, performed by Ms. Morrison for EZ Mortgage Lending, Inc. A cursory review of these reports shows that the cost approach to value in the Shawano report was undeveloped, and that the Oneida report was not properly supported, contrary to USPAP Standards Rule 1-1 (a).

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.”

7. 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.”

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 utilizing the signature and license number of another licensed appraiser, as described above in paragraphs 2 of the Findings of Fact, **Rochelle L. Morrison** has engaged in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills, thereby subjecting herself to discipline per Wis. Stat. § 458.26 (3) (c).

4. By completing appraisal reports in a manner which does not comply with the Uniform Standards of Professional Appraisal Practice, as described above in paragraph 5 of the Findings of Fact, **Rochelle L. Morrison** has violated 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 certificate of licensure and license of Respondent **Rochelle L. Morrison** (#4-1467) shall be, and hereby is, **REVOKED**, to include revocation of the right to renew the license. Respondent shall submit all indicia of licensure to the Department Monitor within thirty (30) days of the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. Ms. Morrison may not seek licensure, certification or authorization to work as an appraiser in the State of Wisconsin, temporarily, by reciprocity, or otherwise, for a period of no less than five (5) years. After that period, and prior to seeking any authorization, Respondent shall show proof of successful completion of no less than one hundred and twenty (120) hours of continuing education, which shall be in addition to any education requirements called for by any other Order.

3. Ms. Morrison shall pay the costs of investigating and prosecuting this matter, in the amount of \$600.00. All costs shall be immediately due and owing upon receipt by the Department of Regulation and Licensing of any request or application for licensure certification or authorization to work as an appraiser in the State of Wisconsin, whether temporarily, by reciprocity, or otherwise.

4. All payments and other submissions required by this Order shall be submitted to the Department Monitor by mailing or delivering the same to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935

5. Case numbers 08 APP 041 and 08 APP 042 are hereby closed, with the Board reserving the right to re-examine the allegations of these complaints in the event that Ms. Morrison seeks licensure or certification as an appraiser again in the future.
6. This Order is effective on the date of its signing.

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
A Member of the Board

11/19/08
Date

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

IN RE DISCIPLINARY PROCEEDINGS :
AGAINST :
 : **STIPULATION**
ROCHELLE L. MORRISON, :
 : **LS#** _____
 :
RESPONDENT. :

Division of Enforcement Case No.s 08 APP 041 and 08 APP 042

It is hereby stipulated and agreed, by and between Rochelle L. Morrison, 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 by the Division of Enforcement (08 APP 041 and 08 APP 042). Respondent consents to the resolution of these matters 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. Respondent neither admits nor denies the allegations contained in the attached Findings of Fact, Conclusions of Law and Order, but admits that there is evidence from which the Board can make the Findings of Fact and reach the Conclusions of law contained therein.

3. Respondent has been provided with the opportunity to obtain the advice of 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 attorney, 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.

ROCHELLE L. MORRISON

Respondent

2597 Haven Road

Green Bay, WI 54313

Date

MARK A. HERMAN

Attorney, Division of Enforcement

1400 East Washington Avenue

Madison, WI 53708-8935

Date