

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**
GINGER A. RENIER, :
 : **LS08111916APP**
 :
RESPONDENT. :

Division of Enforcement Case No. 07 APP 052

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

Ginger A. Renier
5611 South Highway P
Denmark, WI 54208

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 Ginger A. Renier (“Renier”), whose last known address of record with the Department of Regulation and Licensing (“Department”) is 5611 South Highway P, Denmark, WI 54208, and whose date of birth is February 24, 1954, possesses a certificate of licensure and a certificate of certification to practice as a certified residential appraiser (#9-1384). The certificate was first granted on August 5, 2004, and will expire on December 14, 2009.

2. On April 20, 2007, Ms. Renier signed an appraisal report and certification statement for an appraisal of approximately 15 acres of vacant land located in Ellison Bay, Wisconsin. The client as listed in the appraisal report was J.B., a person who had entered into a contractual agreement to purchase the land for the sum of \$292,305, per an Amendment to Offer to Purchase, executed by all parties on or about February 6, 2007. Ms. Renier concluded that, effective April 16, 2007, the market value of the Ellison Bay property was \$292,500.

3. A review of the Ellison Bay report shows USPAP violations including, but not limited to, the following:

a. USPAP Standards Rule 1-1 (b), which requires appraisers to, “not commit a substantial error of omission or commission that significantly affects an appraisal” by making adjustments to the sales prices of the comparables sales selected of approximately 100% , without adequate justification or support; and

b. USPAP Ethics Rule, Conduct Section, which requires an appraiser to, “perform assignments ethically and competently... with impartiality, objectivity, and independence, and without accommodation of personal interests...” by creating an appraisal report designed to enable the client to obtain financing for the sales price previously agreed to by the parties to the transaction.

4. 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.”

5. 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.”

6. Ms. Renier has previously been disciplined by the Board (LS0510196APP, dated October 19, 2005), under certification and licensure as a licensed appraiser (#4-1321). In that matter, Respondent’s license was suspended, she was ordered to take remedial education, and she was ordered to pay costs. In that matter the Board concluded that Ms. Renier made inconsistent, invalid and unsupported adjustments when employing the sales comparison approach to valuation, resulting in the production of a misleading report which reported a pre-determined value.

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 an appraisal report that does not conform to the Uniform Standards of Professional Appraisal Practice, as set forth more fully above in paragraph 3 of the Findings of Fact, **Ginger A. Renier** 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 license and certification of **Ginger A. Renier** (license # 9-1384), shall be, and hereby is, **REPRIMAND AND SUSPENDED**. The reprimand and suspension shall be recorded against her previous license (license #4-1321). The suspension shall be lifted after both of the following have occurred: (a) 120 days have passed from the date of signing of the Order AND (b) Ms. Renier has presented proof of successful completion of - (i) Basic Appraisal Principles, and (ii) Basic Appraisal Procedures. Courses completed in compliance with this Order may not be counted towards Respondent’s continuing education requirements. Successful completion shall include receipt of a passing grade in any end-of-course examination, if offered by the provider. Courses taken in fulfillment of this Order shall be approved in advance by the Board’s Monitoring Liaison.

IT IS FURTHER ORDERED that:

2. **Ginger A. Renier** shall pay the costs of investigating this matter in the amount of THREE THOUSAND FIVE HUNDRED AND FIFTY DOLLARS (\$3,550.00). One half of that amount shall be paid within one year of the date of signing this Order. The remainder shall be paid within two years after the date of signing of this Order.

3. All submissions required by this Order 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

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and well 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 (9-1384 and 4-1321) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. Case numbers 07 APP 052 is hereby closed.
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**

GINGER A. RENIER,

RESPONDENT.

:
:
:
:
:
:
:

STIPULATION

LS _____

Division of Enforcement Case No. 07 APP 052

It is hereby stipulated and agreed, by and between Ginger A. Renier, Respondent; Thomas M. Olejniczak, attorney for 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 a pending investigation against Respondent's licensure by the Division of Enforcement (07 APP 052). Respondent consents to the resolution of this matter without the issuance of a formal compliant.

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 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.

GINGER A. RENIER, Respondent
5611 South Highway P
Denmark, WI 54208

Date

THOMAS M. OLEJNICZAK
Liebmann, Conway, Olenjniczak & Jerry SC
Attorneys for Respondent
231 South Adams Street
P.O. Box 23200
Green Bay, WI 54305-3200

Date

MARK A. HERMAN
Attorney, Division of Enforcement
1400 East Washington Avenue
Madison, WI 53708-8935

Date