

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**
MARLENE R. STUCZYNSKI, : LS08111918APP
RESPONDENT. :

Division of Enforcement case file 07 APP 148

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

Marlene R. Stuczynski
5214 S. 25th Street
Milwaukee, WI 53221

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

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Real Estate Appraisers Board (“Board”). The Board has reviewed this Stipulation and considers it acceptable. Accordingly, the Board adopts the attached Stipulation in this matter and makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Marlene R. Stuczynski is licensed in the State of Wisconsin as a Real Estate Appraiser having license # 4-1006, first issued on February 2, 1996.
2. Ms. Stuczynski’s most recent address on file with the Department of Regulation and Licensing (“Department”) is 5214 S. 25th Street, Milwaukee, WI 53221.
3. On January 11, 2006, Ms. Stuczynski applied to the Department of Regulation and Licensing for certification as a Certified Residential Appraiser. As evidence of appraisal experience, Ms. Stuczynski supplied copies of appraisal reports for properties at
 - 10561 West Pallotine Drive in Greenfield,
 - 3808 East Pulaski Avenue in Cudahy, and
 - 207 South 15th Avenue in West Bend.
4. The Department’s Appraisal Application Review Committee reviewed Ms. Stuczynski’s reports and on December 14, 2007, her application was denied based on USPAP violations in the reports.
5. In the appraisal and appraisal report for 10561 W. Pallotine Drive in Greenfield, Ms. Stuczynski failed to comply with Standards Rules of the Uniform Standards of Professional Appraisal Practice (USPAP) as follows:

- a. The report contains an incorrect boilerplate statement that the area, in the City of Greenfield, is maintained by township employees.
 - b. The report contains an incorrect statement that the home is serviced by a well when it has a municipal water supply.
 - c. The report lists comparable sale 3 as having a full basement when according to assessor's records it has only a partial basement.
 - d. The report does not include an adjustment, or an explanation for the lack of an adjustment, for sale 2 which has a brick and aluminum exterior compared to the subject's brick exterior.
 - e. The report contains no explanation of how the land value was derived by the extraction method.
 - f. The report does not contain a sufficient reference to Marshall & Swift cost data.
 - g. The report developed the cost approach to value yet it contains an inconsistent statement that the cost approach was not used.
6. In the appraisal and appraisal report for 3808 E. Pulaski Avenue in Cudahy, Ms. Stuczynski failed to comply with Standards Rules of the Uniform Standards of Professional Appraisal Practice (USPAP) as follows:
- a. The report contains an incorrect boilerplate statement that the area, in the City of Cudahy, is maintained by township employees.
 - b. The report contains an incorrect statement that the home is serviced by a well when it has a municipal water supply.
 - c. Although the report contained a reference to a prior sale of the subject property, it did not contain any analysis of the sale.
 - d. The report contains no explanation of how the land value was derived by the extraction method.
 - e. The report does not contain a sufficient reference to Marshall & Swift cost data.
7. In the appraisal and appraisal report for 207 S. 15th Avenue in West Bend, Ms. Stuczynski failed to comply with Standards Rules of the Uniform Standards of Professional Appraisal Practice (USPAP) as follows:
- a. The report contains an incorrect boilerplate statement that the area, in the City of West Bend, is maintained by township employees.
 - b. The report analyzes four comparable sales yet it refers incorrectly to the use of three comparable sales (in the summary of sales comparison approach on page 2 of 6).
 - c. The report contains inconsistent adjustments to the comparable sales for full and partial basements.
 - d. The report contains no explanation of how the land value was derived by the extraction method.
 - e. The report does not contain a sufficient reference to Marshall & Swift cost data.
 - f. The report developed the cost approach to value yet it contains an inconsistent statement that the cost approach was not used.

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.

2. By failing to comply with USPAP in the appraisals and the appraisal reports for property at 10561 West Pallotine Drive in Greenfield, 3808 East Pulaski Avenue in Cudahy, and 207 South 15th Avenue in West Bend, Respondent Marlene R. Stuczynski violated sections RL 86.01 (1) and (2) of the Wisconsin Administrative Code.

ORDER

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

IT IS FURTHER ORDERED that within twelve months of the date of this Order, Ms. Stuczynski must successfully complete
Basic Appraisal Procedures (30 hours)
The Dirty Dozen (3 hours)
Disclosures and Disclaimers (5 hours)

Residential Report Writing (7 hours)

through either the Appraisal Institute or McKissock or another educational institution approved in advance by the Department of Regulation and Licensing. Ms. Stuczynski shall submit proof of successful completion in the form of verification from the institution providing the education to the following address:

Department Monitor
Department of Regulation and Licensing,
PO Box 8935, Madison, WI 53708-8935.
Fax (608) 266-2264
Tel. (608) 267-3817

None of the education completed pursuant to this order may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

In the event Ms. Stuczynski fails to successfully complete the educational requirements in the manner set forth, or to obtain an extension of time for good cause, her Real Estate Appraisers license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further Order of the Board or until she provides to the Department proof of completion of all said educational requirements.

IT IS FURTHER ORDERED that Ms. Stuczynski pay the Department's costs of this matter in the amount of **\$468.38** within 60 days of the date of this Order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to the Department Monitor. In the event Ms. Stuczynski fails to pay the costs within the time and in the manner as set forth above, her Real Estate Appraisers license shall be suspended without further notice, without further hearing, and without further Order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED that file 07 APP 148 be closed.

Dated this 19th day of November, 2008.

WISCONSIN REAL ESTATE APPRAISERS BOARD

By: Marla Britton
Board Chair