

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
KERRY K. LANGER, COLLEEN F.	:	AS TO KERRY K. LANGER
LITFIN and PAM SINGERHOUSE	:	LS0902257APP
	:	
RESPONDENT.	:	

Division of Enforcement Case No.s 07 APP 055, 07 APP 061, 07 APP 062 and 07 APP 063

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

Kerry K. Langer
814 Northview Drive
Hudson, WI 54016

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.

07 APP 063

2. Respondent Pamela Singerhouse, f/k/a Pam Dau (“Singerhouse”), whose last known address of record with the Department is 1135 212th Avenue, New Richmond, WI 54017, and whose date of birth is July 23, 1960, possesses a certificate of licensure and a certificate of certification to practice as a licensed appraiser (#4-1815). The Board has disciplined Ms. Singerhouse with respect to this matter. *LS0808137APP*.

3. On May 16, 2007, Respondents were disciplined by the Real Estate Appraisers Board. *LS07051610APP*. In that case the Board found that with respect to two appraisals, one performed in 2004, and the other performed in 2005, Respondents used inappropriate comparables sales, failed to make appropriate adjustments, failed to analyze a current agreement of sale, and violated other applicable rules of the Uniform Standards of Professional Appraisal Practice (USPAP).

4. On November 7, 2003 and November 14, 2003, respectively, Ms. Singerhouse and Ms. Langer signed an appraisal report and certification statement for an appraisal of real property located at Lot 3, 230th Street, Cushing, WI (“subject property”). Both appraisers also re-certified the appraisal report in October of 2004. Per 2003 and 2004 USPAP Standards Rule 2-3, Comment: “Any appraiser(s) who signs a certification accepts full responsibility for all elements of the certification, for the assignment results, and for the contents of the appraisal report.”

5. A review of the appraisal report for the subject property shows that Ms. Langer violated of the Uniform Standards of Professional Appraisal Practice including, but not limited to, the following:

- a. USPAP Ethics Rule, Conduct section, which requires appraiser to, “not communicate assignment results in a misleading or fraudulent manner,” and USPAP Standards Rule 2-1, which requires that an appraiser, “(a) clearly and accurately set forth the appraisal in a manner which will not be misleading... and (c) clearly and accurately disclose any extraordinary assumptions (or) hypothetical condition...” by: (1) Certifying in the 2003 appraisal report that, “I have personally inspected the interior and exterior areas,” when, in fact, the home had not yet been built; and (2) certifying in the 2004 that, the property had been inspected, that “there have been no significant changes to the subject property,” and that the property had been built as planned, when she knew that the property had been significantly changed (i.e. that it had been built) and when an interior or exterior inspection of the property would have revealed that a planned two-car attached garage had not been built.
- b. USPAP Standards Rule 2-2(b)(x) and 2-2(c)(x), by failing to “describe the support and rationale for the appraiser’s conclusion of highest and best use of the real estate.

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.”

07 APP 055 and 07 APP 061

8. 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 Board has disciplined Ms. Litfin with respect to these matters. *LS0808134APP*.

9. On December 12, 2002, Ms. Litfin conducted, and Ms. Langer signed as supervisor, an appraisal of real property located in Maiden Rock, Wisconsin (Maiden Rock appraisal). Per 2002 USPAP Standards Rule 2-3, Comment: “Any appraiser(s) who signs a certification accepts full responsibility for all elements of the certification, for the assignment results, and for the contents of the appraisal report.”

10. On May 23, 2004, Ms. Litfin conducted, and Ms. Langer signed as supervisor, an appraisal of real property located in New Richmond, WI (New Richmond appraisal). Per 2002 USPAP Standards Rule 2-3, Comment: “Any appraiser(s) who signs a certification accepts full responsibility for all elements of the certification, for the assignment results, and for the contents of the appraisal report.”

11. 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 as comparable sales for a subject which was 29-years-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 the opinion of market 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 signing appraisal reports that do not conform to the Uniform Standards of Professional Appraisal Practice, as set forth more fully above in paragraphs 5 and 11 of the Findings of Fact, **Kerry K. Langer** has committed five 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 license and certification of **Kerry K. Langer** (license #9-1265) shall be, and hereby is, **SUSPENDED** for a period of ninety (90) days, to begin seven (7) days after the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. The license and certification of **Kerry K. Langer** (license #9-1265) shall be, and hereby is, **LIMITED** to prohibit her from supervising or training any other person as an appraiser or appraisal trainee, and to prohibit her from relying upon any work performed by another person when conducting an appraisal or in completing an appraisal report. This limitation shall be **PERMANENT**.

3. **Kerry K. Langer** shall pay costs of these investigations in the amount of ONE THOUSAND DOLLARS (\$1,000.00) by December 1, 2009.

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 well-being 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 timely submit proof of successful completion of remedial education, Respondent's license and certification (license #9-1265) SHALL BE SUSPENDED without further notice or hearing, until Respondent has complied with the terms of this Order.

6. Case numbers 07 APP 055, 07 APP 061 and 07 APP 063 are hereby closed formally as to Ms. Langer and all respondents. Case number 07 APP 062 is hereby closed as to all respondents under prosecutorial discretion code P7.

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

REAL ESTATE APPRAISERS BOARD

By: Sharon Fiedler
A Member of the Board

2/25/09
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN RE DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	
	:	STIPULATION
KERRY K. LANGER, COLLEEN F.	:	AS TO KERRY K. LANGER
LITFIN and PAM SINGERHOUSE	:	
	:	LS _____
RESPONDENT.	:	

Division of Enforcement Case No.s 07 APP 055, 07 APP 061, 07 APP 062 and 07 APP 063

It is hereby stipulated and agreed, by and between Kerry K. Langer, 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, 07 APP 061, 07 APP 062 and 07 APP 063). 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.

KERRY K. LANGER

Respondent
814 Northview Drive
Hudson, WI 54016

Date

MARK A. HERMAN

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

Date