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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
MARK R. TELLEN,	:	LS0908129APP
RESPONDENT.	:	

Division of Enforcement Case #07 APP 126

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

Mark R. Tellen
1605 N. 12th St.
Sheboygan, WI 53081

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 decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

- Respondent Mark R. Tellen, (d.o.b. 11/17/47), is and was at all times relevant to the facts set forth herein a Certified Residential Appraiser and Licensed Appraiser, licensed in the State of Wisconsin pursuant to license #9-534, originally granted on 12/10/92. Respondent is also certified by the Department of Revenue as an Assessor II. Respondent was disciplined by the Board on 3/1/06, in file 03 APP 6, for failing to timely complete an appraisal and failing to cooperate with the Board in its investigation of the matter; Respondent was ordered to complete the Business Practices and Ethics module offered by the Appraisal Institute, and to pay costs.
- On or about 1/16/03, Respondent was engaged to appraise a golf course and club house facility, for the purpose of settling the estate of one of the owners of the property; there was no contemplated sale of the property, nor any loan to be extended. Respondent appraised the property at \$1,369,100.

CONCLUSIONS OF LAW

- The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
- The conduct described in paragraph 2, above, violated Wis. Adm. Code § RL 81.05(3). A person with a license as a Certified Residential Appraiser and Licensed Appraiser may appraise commercial property only if the “transaction value” is not more than \$250,000. The fact that the property was not to be sold is not material, in that the “transaction value” of the property is the market or loan value under Wis. Adm. Code § RL 80.03(15). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

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

IT IS FURTHER ORDERED, that Mark R. Tellen, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Respondent shall pay COSTS in this matter in the amount of \$750, within 60 days of this order.

IT IS FURTHER ORDERED, that in the event Respondent fails to timely pay Costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has paid them in full, together with any accrued interest.

Dated this August 12, 2009.

WISCONSIN REAL ESTATE APPRAISERS BOARD, by:

Marla K. Britton
a member of the board