

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
: LS09111116APP
CATHLEEN NEIS, :
RESPONDENT. :

Division of Enforcement Case No. 09 APP 068

The parties to this action for the purposes of Wis. Stat. sec. 227.53 are:

Cathleen Neis
20744 Buchanan Street NE
Cedar, Minnesota 55011

Real Estate Appraisers Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 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 Real Estate Appraiser Board. The Real Estate Appraiser Board has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Cathleen Neis (Date of Birth: April 12, 1957) possesses a certificate of licensure to practice in the state of Wisconsin as a Licensed Appraiser (certificate number 4-1740). That certificate was first granted on February 12, 2004, and is current through December 14, 2009.
2. Ms. Neis's most recent address known to the Department of Regulation and Licensing (hereinafter Department) is 20744 Buchanan Street NE, Cedar, Minnesota 55011.
3. Each person possessing a certificate of licensure to practice as a Licensed Appraiser in the state of Wisconsin must renew the certificate of licensure biennially, by December 15 of each odd-numbered year. [Wis. Stat. secs. 440.08(2)(a)12.]
4. To be eligible to renew her certificate of licensure for the next biennial registration period, Ms. Neis must have completed at least 28 hours of Department approved continuing education in the previous biennial registration period. [Wis. Stat. sec. 458.13, and Wis. Admin. Code § RL 85.01(1)]
5. Prior to December 14, 2007, the Department sent Ms. Neis a Licensed Appraiser Renewal Application to execute and return with the required fee if Ms. Neis wished to renew her certificate of licensure in the state of Wisconsin for the December 15, 2007, through December 14, 2009, biennium. Ms. Neis elected to renew her certificate of licensure on the on-line

Renewal Application form available at the Department's website. The on-line Licensed Appraiser Renewal Application contained the following language:

"I have completed 28 hours of Department-approved education credits, including at least 7 hours in the Uniform Standards of Professional Appraisal Practice (USPAP), between January 1, 2006 and December 14, 2007. I have evidence of this which I will furnish to the Department upon request."

6. Ms. Neis electronically filled out the on-line Certified General Appraiser and Licensed Appraiser Renewal Application on or about November 7, 2007, certifying that she had completed the continuing education requirements of the Real Estate Appraisers Board during the January 1, 2006, through December 14, 2007, biennium.
7. As part of a random audit which the Real Estate Appraisers Board conducted of its licensees, Ms. Neis was sent a letter requesting that she send the Real Estate Appraisers Board verification that she had completed the 28 hours of approved continuing education, which she had claimed to have completed prior to renewing her certificate of licensure for the December 15, 2007, through December 14, 2009, biennium.
8. Ms. Neis submitted documentation that she had completed 30 hours of approved continuing education hours during the January 1, 2006, through December 14, 2007, biennium. Several of the courses completed by Ms. Neis, however, were not approved by the Department. Those courses could not be included in the total for the 28 hours of approved continuing education needed. Ms. Neis did not have the required approved continuing education hours need in the January 1, 2006, through December 17, 2007, biennium. Ms. Neis completed only 7.5 hours of approved continuing education during the January 1, 2006, through December 14, 2007, biennium.
9. Ms. Neis did not complete the required 28 hours of approved continuing education during the January 1, 2006, through December 14, 2007, biennium, prior to renewing his certificate for the December 15, 2007, through December 14, 2007, biennium.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction over this matter, pursuant to Wis. Stat. sec. 458.26, and Wis. Admin. Code Ch. RL 85.
2. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. sec. 227.44(5).
3. By not completing the required 28 continuing education hours during the required time frame, Cathleen Neis has violated:
 - a. Wis. Stat. sec. 458.13 - Continuing Education Requirements.
 - b. Wis. Stat. sec. 458.26(3)(b) - Engaged in unprofessional conduct in violation of rules promulgated under Wis. Stat. sec. 458.24.
 - c. Wis. Stat. sec. 458.26(3)(i) - Violated this chapter or any rule promulgated under this chapter.
 - d. Wis. Admin. Code § RL 85.01 - Continuing Education Requirements.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The VOLUNTARY SURRENDER of the license of Cathleen Neis (# 4-1924) to practice as a licensed

appraiser in the state of Wisconsin is hereby accepted.

IT IS FURTHER ORDERED that:

2. Ms. Neis shall not seek to renew, or request reinstatement or re-apply for licensure to practice as a licensed appraiser in the State of Wisconsin for a minimum of three (3) years from the date of this Order.
3. In the event that Ms. Neis seeks to renew or reinstate her license to practice as a licensed appraiser in the State of Wisconsin, she shall submit a new application for licensure and meet all then-existing requirements for licensure.
4. In the event that Ms. Neis seeks to renew or reinstate her license to practice as an licensed appraiser, or in the event that she seeks to obtain any other license administered by the Department, costs in the amount of \$100.00 and a forfeiture in the amount of \$1,000.00 shall be immediately due and owing.
5. In the event that Ms. Neis seeks to renew or reinstate her license to practice as a licensed appraiser in the State of Wisconsin, the Wisconsin Real Estate Appraisers Board may determine whether and under what terms and conditions such request may be granted.
6. Ms. Neis shall not practice as a licensed appraiser or attempt to practice as one in the State of Wisconsin without being licensed in Wisconsin, whether by reciprocity, temporarily or otherwise.
7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. The Real Estate Appraiser Board may, in its discretion, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.
8. The effective date of this Order is the date of signing by the Real Estate Appraiser Board's chair or designee.

REAL ESTATE APPRAISERS BOARD

By: Marla Britton
On Behalf of the Board

11/11/09
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
 : LS# _____
CATHLEEN NEIS, :
RESPONDENT. :

Division of Enforcement Case No. 09 APP 068

It is hereby stipulated between Cathleen Neis, Respondent, and Mark A. Herman, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Ms. Neis by the Division of Enforcement (09 APP 068). Ms. Neis consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Neis understands that by the signing of 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 by a 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, and the Wisconsin Administrative Code.
3. Ms. Neis is aware of her right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this Stipulation.
4. Ms. Neis agrees to the adoption of the attached Final Decision and Order by the Real Estate Appraisers Board (hereinafter “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. Ms. Neis 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 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 the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Ms. Neis or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board 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. Ms. Neis is informed that should the Board adopt this Stipulation, the Final Decision and Order is a public record and will be published in accordance with standard Department procedures.

8. The Division of Enforcement joins Cathleen Neis in recommending the Real Estate Appraiser Board adopt this Stipulation and issues the attached Final Decision and Order.

Cathleen Neis
Respondent
20744 Buchanan Street NE
Cedar, Minnesota 55011
License Number: 4-1924

Date

Mark A. Herman
Attorney
Division of Enforcement
Post Office Bx 8935
Madison, Wisconsin 53708-8935

Date