

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION :
FOR LICENSURE AS A CERTIFIED :
RESIDENTIAL APPRAISER OF : FINAL DECISION AND ORDER
:
MARGARET M. SCHROEDER, : LS0912103APP
:
APPLICANT. :

Division of Enforcement Case No. 09 APP 087

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

Margaret M. Schroeder
N10662 Klemp Road
Clintonville, WI 54929

Department of Regulation and Licensing
Office of the Secretary
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 Secretary of the Department of Regulation and Licensing (“Secretary”). The Secretary has reviewed the Stipulation agreement annexed to this Final Decision and Order, and considers it acceptable. Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Margaret M. Schroeder (Schroeder), whose last known address of record with the Department of Regulation and Licensing (Department) is N10662 Klemp Road, Clintonville, WI 54929 submitted an application for certification and licensure as a Certified Residential Appraiser. As part of the application process, Ms. Schroeder has submitted a request for certification that her experience was USPAP compliant.
2. After review of work samples submitted by Ms. Schroeder, the Department’s Real Estate Appraiser Application Advisory Committee (Committee) recommended that the Department deny Ms. Schroeder’s application because her work experience did not comply with the Uniform Standards of Professional Appraisal Practice, contrary to Wis. Admin. Code § RL 83.01 (1a), (3) (a). The Secretary accepted this recommendation, and denied certification and licensure to Ms. Schroeder.
3. After further review and receipt of additional information from Ms. Schroeder, the following conclusion was reached. The issues identified by the Committee constitute minor USPAP violations, and do not warrant the continued denial of a license. Specifically, the Committee found that Ms. Schroeder’s reported explanations for not relying upon the Cost Approach, and for not completing the Income Approach, were insufficient. There is reason to believe that greater reliance upon the Cost Approach would have been inappropriate for the three appraisals reviewed. Further, there is reason to believe that reliance on the Income Approach also would have been inappropriate for the three appraisals reviewed. The final criticism was a failure to make size adjustments for two comparable properties in two separate reports where the difference in size was less than 175 square feet. While it is customary to ignore differences of only less than 100 square feet, these differences in practice alone are not adequate to support denial of licensure, especially in light of the demonstrated ability of the applicant to receive criticism and improve the work product. Further, Ms. Schroeder is willing to undertake additional education in order to remedy any issue.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in these matters pursuant to Wis. Stats. § 458.06.

2. The Wisconsin Department of Regulation and Licensing has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. § 227.44 (5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. **Margaret M. Schroeder's** hours of experience submitted as part of an application for the issuance of a certification and certificate of licensure as a Certified Residential Appraiser shall be accepted upon receipt of proof of successful completion of an appraisal report writing course, to be no less than seven (7) hours in length. A certificate and license shall be issued upon successful completion of all other requirements and the payment of all fees associated with the credential.

IT IS FURTHER ORDERED that:

2. Case number 09 APP 087 is hereby closed.

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

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

By: **Celia M. Jackson, Secretary**

12/10/2009

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE APPLICATION	:	
FOR LICENSURE AS A CERTIFIED	:	
RESIDENTIAL APPRAISER OF	:	STIPULATION
	:	
MARGARET M. SCHROEDER,	:	LS _____
	:	
APPLICANT.	:	

Division of Enforcement Case No. 09 APP 087

- It is hereby stipulated and agreed, by and between Margaret M. Schroeder, Applicant; and Mark A. Herman, attorney for the State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:
1. This Stipulation resolves a request for hearing regarding the denial of an application for licensure and certification as a certified residential appraiser of Margaret M. Schroeder (“Applicant”), by the Department of Regulation and Licensing (“Department”) (09 APP 087). Applicant consents to the resolution of this matter by stipulation and without hearing or the issuance of a notice of hearing.
 2. Applicant understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing, at which time she has the burden of proving her qualification and fitness for licensure 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 Department; 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. Applicant has been provided with the opportunity to obtain legal counsel prior to signing this Stipulation.
 4. Applicant agrees to the adoption of the attached Final Decision and Order by the Secretary of the Department. 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. Applicant waives all rights to any appeal of the Secretary’s Order, if adopted in the form as attached.
 5. If the terms of this Stipulation are not acceptable to the Secretary, 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 Secretary, the parties agree not to contend that the Secretary 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 may appear before the Secretary in open or closed session, without the presence of the Applicant or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Secretary may have in connection with their consideration of the Stipulation.
 7. Applicant is informed that should the Secretary adopt this Stipulation, the Secretary’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 Applicant in recommending the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

MARGARET M. SCHROEDER

Applicant
N10662 Klemp Road
Clintonville, WI 54929

Date

MARK A. HERMAN

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

Date