

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
TIFFANY A. SWANN,	:	
RESPONDENT.	:	ORDER 0000543

Division of Enforcement Case Nos. 09 APP 040 and 09 APP 051

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Tiffany A. Swann
PO Box 323
N2081 Virginia Dr.
Waupaca, WI 54981

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

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 Real Estate Appraisers Board (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, Conclusions of Law and Order:

FINDINGS OF FACT

1. Tiffany A. Swann (f/k/a Tiffany Peters) is a duly licensed appraiser and Certified Residential Appraiser, and presently holds license number 9-1761, which is current through 12/14/2011. Ms. Swann's most recent address on file with the Wisconsin Department of Regulation and Licensing ("Department") is P.O. Box 323, N2081 Virginia Dr., Waupaca, WI 54981.
2. On or about 06/05/2009, the Department received a complaint against Ms. Swann filed by First American eAppraiseIT. The complaint alleged that Ms. Swann failed to disclose that other parties had assisted in certain appraisal reports prepared by Ms. Swann.

3. Ms. Swann was hired by First American eAppraiseIT to perform an appraisal of W9380 Majestic View Lane, Hortonville, WI 54944 ("Majestic View property"), which was performed on or about 04/07/2009. Ms. Swann's father conducted the inspection of the Majestic View property, but was not identified in the appraisal report prepared by Ms. Swann.
4. Ms. Swann was hired by First American eAppraiseIT to perform an appraisal of W8925 Great Oak Lane, Hortonville, WI 54944 ("Great Oak property"), which was performed on or about 04/07/2009. Ms. Swann's father conducted the inspection of the Great Oak property, but was not identified in the appraisal report prepared by Ms. Swann.
5. On or about 07/20/2009, the Department received a complaint against Ms. Swann filed by Nations Valuation Services. The complaint alleged that Ms. Swann failed to disclose that other parties had assisted in certain appraisal reports prepared by Ms. Swann.
6. Ms. Swann was hired by Nations Valuation Services to perform an appraisal of 1090 Grassy Plains Drive, Neenah, WI 54956 ("Grassy Plains property"), which was performed on or about 05/18/2009. Ms. Swann's father conducted the inspection of the Grassy Plains property, but was not identified in the appraisal report prepared by Ms. Swann.
7. Ms. Swann was hired by Nations Valuation Services to perform an appraisal of W9330 Amber Lane, Clintonville, WI 54929 ("Amber property"), which was performed on or about 04/24/2009. Ms. Swann's father conducted the inspection of the Amber property, but was not identified in the appraisal report prepared by Ms. Swann.
8. Ms. Swann was hired by Nations Valuation Services to perform an appraisal of W155 County Road H, Fremont, WI 54940 ("CR H Property"), which was performed on or about 04/07/2009. Ms. Swann's father conducted the inspection of the CR H property, but was not identified in the appraisal report prepared by Ms. Swann.
9. With regard to each of the property appraisals identified at paragraphs 3-4 and 6-8, above, Ms. Swann certified as follows: "I certify that, to the best of my knowledge and belief: no one provided significant real property appraisal assistance to the person signing this certification. (if there are exceptions, the name of each individual providing significant real property appraisal assistance must be stated.)"
10. Ms. Swann has acknowledged that her father, Paul Peters, participated in conducting the inspections of the properties identified at paragraphs 3-8, above, and has acknowledged that her failure to identify her father's participation constitutes a violation of the standards of her profession.
11. The appraisal reports pertaining to the property appraisals identified at paragraphs 3-8, above, were reviewed by the Department and it was determined that Ms. Swann violated the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules (S.R.) as follows:

a. Ethics Rule: Ms. Swann's failure to identify her father's participation in the appraisals identified at paragraphs 3-4 and 6-8, above, violates the conduct provision of the Ethics Rule.

b. S.R. 2-2(a)(vii), (b)(vii) or (c)(vii): Ms. Swann's failure to identify her father's participation in the appraisals identified at paragraphs 3-4 and 6-8, above, constitutes a violation of this section, which requires the identification of all individuals providing significant real property appraisal assistance who do not sign the S.R. 2-3 certification.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 458.26, and is authorized to enter in the attached Stipulation pursuant to Wis. Stat. § 227.44(5).
2. The conduct described above in paragraphs 3-4 and 6-11 constitutes a violation of USPAP Standards Rules S.R. 2-2(a)(vii), (b)(vii) and/or (c)(vii), and the Ethics Rule.
3. As a result of the above USPAP violations, Ms. Swann is deemed to have also violated Wis. Admin. Code § RL 86.01(2), thereby subjecting herself to discipline pursuant to Wis. Admin. Code § RL 86.01(1) and Wis. Stat. § 458.26(3)(b) and (c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license and certification of Respondent **Tiffany A. Swann** (#9-1761) is hereby **REPRIMANDED**.
2. The license and certification of Respondent **Tiffany A. Swann** (#9-1761) is hereby **LIMITED** as follows:
 - a. Respondent shall, within one (1) year of the date of this Stipulation, successfully complete at least two (2) of the following courses or seminars, or other similar courses offered by providers pre-approved by the Department Monitor, at Respondent's own expense, including taking and passing any exam offered for the course or seminar:
 - i. Ethics, Competency and Effective Report Writing – Northeast WI Technical College;
 - ii. Real Estate Fraud Appraisal Responsibilities and Liabilities – Appraisal Institute;
 - iii. Disclosures and Disclaimers – McKissock Appraisal School; and
 - iv. Mortgage Fraud Equals Dangerous Business – Robbins and Lloyd.

- b. Ms. Swann shall submit proof of completion in the form of verification from the institution providing the education to the address stated below. The educational limitation shall automatically terminate upon verification of course completion(s) by the Department Monitor. None of the education completed pursuant to this requirement 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.
 - c. Respondent shall personally perform all aspects of her appraisals, and shall not permit other individuals to provide any significant real property appraisal assistance. Respondent shall not supervise associates or uncertified appraisers or sign reports as a supervisory appraiser. These limitations shall continue for a period of two (2) years after Respondent's completion of the continuing education specified at paragraph 2(a), above; following said two (2) year period, these limitations shall automatically terminate.
- 3. **Tiffany A. Swann** shall, within 120 days of the date of this Order, pay costs of this matter in the amount of Six Hundred Thirty-seven dollars (\$637.00).
 - 4. Proof of successful course completion, payment of costs (made payable to the Wisconsin Department of Regulation and Licensing), and any petition for removal or modification of the limitations, shall be mailed, faxed or delivered by the Respondent to the Department Monitor at this address:

Department Monitor
Department of Regulation and Licensing, Division of Enforcement
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

- 5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. 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 Respondent fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, the Respondent's license (#9-1761) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs or completion of the continuing education.
- 6. This Order is effective on the date of its signing.
- 7. File 09 APP 040 and 09 APP 051 are hereby closed.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

11/10/2010
Date