

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
BRENT D. NUDI, :
RESPONDENT. : ORDER 0000690

Division of Enforcement Case No. 09 APP 088

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

Brent D. Nudi
7851 216th Avenue
Bristol, WI 53104

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. Brent D. Nudi is a duly licensed appraiser, and presently holds license number 4-1890, which was first granted on 02/09/2005 and is current through 12/14/11. Mr. Nudi's most recent address on file with the Wisconsin Department of Regulation and Licensing ("Department") is 7851 216th Avenue, Bristol, WI 53104.
2. On or about 10/27/2009, the Department received a complaint against Mr. Nudi. The complaint alleged various issues that called into question an appraisal of property located at 4848 S. Green Bay Road, Racine, WI 53403-9738 ("Subject Property").

3. Mr. Nudi was hired by Brookhouse Law Offices to perform a “date of death” appraisal of the Subject Property. On or about 6/22/2009, Mr. Nudi performed an appraisal, submitting an appraisal report valuing the Subject Property at \$82,500.
4. The appraisal report was reviewed by the Department and it was determined that the appraisal (and the accompanying reports) violated the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules (S.R.) as follows:
 - a. In violation of S.R. 1-1 and 2-1 (a) and (b), Mr. Nudi’s adjustments calculated on the grid are not market supported, which is especially important in this case where the majority of the Subject Property comprises a landlocked parcel.
 - b. In violation of S.R. 2-1(a), Mr. Nudi’s adjustments are random, as they vary from \$100,000.00 to \$200,000.00.
 - c. In violation of S.R. 1-5, Mr. Nudi fails to include and analyze sales of landlocked parcels, which occur on the open market and are available for comparison purposes.
5. As a result of the USPAP violations identified at paragraph 4(a)-(c), above, the appraisal report is representative of Mr. Nudi’s lack of knowledge in completion of the report, which violates the USPAP Competency Rule.

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 4 and 5 constitutes a violation of USPAP Standards Rules 1-1, 2-1(a), 2-1(b), 1-5, and the Competency Rule.
3. As a result of the above USPAP violations, Mr. Nudi is deemed to have also violated Wis. Admin. Code § RL 86.01(2), thereby subjecting himself 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 **Brent D. Nudi** (#4-1890) is hereby **LIMITED** as follows:
 - a. Brent D. Nudi shall, within one year of the date of this Order, successfully complete the National USPAP Course (15 hours) and the Residential Site Valuation and Cost Approach Course (15 hours) offered by the Appraisal Institute, or equivalent courses by a provider pre-approved by the Board’s

monitoring liaison, including taking and passing any exam offered for the courses. At least one of the two courses shall be completed in a classroom setting; one of the two courses may be completed on-line.

- b. Mr. Nudi 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 be lifted 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. Mr. Nudi shall not supervise and/or train any other licensed or certified appraisers or appraisers-in-training. This supervisory/training limitation shall automatically expire on December 14, 2011.
2. **Brent D. Nudi** shall, within 120 days of the date of this Order, pay **COSTS** of this matter in the amount of **THREE HUNDRED AND TWELVE DOLLARS (\$312.00)**.
 3. Proof of successful course completion, payment of costs (**certified check or money order** 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

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare. The Board in its discretion may 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 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.
5. This Order is effective on the date of its signing.
6. File 09 APP 088 is hereby closed.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: Maia L. Britton
A Member of the Board *MMH*

2/23/11
Date