

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DEAN R. POIRIER,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0002450**

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Division of Legal Services and Compliance Case No. 10 APP 073

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

Dean R. Poirier  
12978 52nd Street  
Colfax, WI 54730

Wisconsin Real Estate Appraisers Board  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
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. Respondent Dean R. Poirier (dob August 8, 1961) is licensed in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having license number 9-1197, first issued on September 22, 2000 and current through December 14, 2013. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 12978 52nd Street, Colfax, Wisconsin 54730.

2. On November 19, 2008, Respondent was disciplined by the Board for violating the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 1-1(a) by inappropriately selecting a lakefront property as a comparable sale for a non-lakefront property and utilizing inappropriate comparables; SR 1-1(b) by adjusting the site of a waterfront

property in the wrong direction, resulting in an error of commission which significantly affected the appraisal; and SR 2-2(b)(ix) by failing to adequately describe the information and analysis of property improvements in a manner sufficient to justify the increase in value.

3. On or about December 5, 2010, Respondent performed an appraisal of residential property located at 4016 S County Road U, South Range, Wisconsin 54874.

4. Respondent's appraisal was reviewed by the Division of Legal Services and Compliance and it was determined that the appraisal and appraisal report violated USPAP Rules and/or SR as follows:

- a. Respondent failed to provide data to support his estimate of site value. Vacant land sales referenced in the appraisal report were not found in Respondent's work file. (SR 1-2(e), SR 1-4(b)(i), SR 2-2(b)(iii), Record Keeping Section of the Ethics Rule).
- b. Certification #4, signed by Respondent, states, "I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report." However, there was very limited comparable market data and few sales that were truly similar to the subject. Respondent should have completed the cost approach as added support for his value conclusion. (SR 1-1(a,b,c), SR 1-4(b), SR 2-2(b)(iii), Scope of Work Rule).
- c. Respondent did not develop a reasonable exposure time linked to the value opinion. (SR 1-2(c)).
- d. Respondent's support for the exclusion of the cost approach is not adequate. The cost approach is applicable due to the age of the subject and lack of comparable sales. (SR 1-6(a,b), SR 2-2(b)(viii)).

5. Respondent neither admits nor denies the violations alleged in Case File No. 10 APP 073, but desires to resolve this case by stipulation.

6. Respondent desires to address the Board's concerns as soon as possible and may complete the courses listed in paragraphs 2.a. and b. of the Order below prior to the effective date of this Order.

#### 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 into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-1(a,b,c) by:

- a. failing to be aware of, understand and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal;
- b. committing a substantial error of omission or commission that significantly affects an appraisal; and
- c. rendering appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

3. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-2(c) by failing to develop an opinion of reasonable exposure time linked to the value opinion when developing an opinion of market value.

4. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-2(e) by failing to identify the characteristics of the property that are relevant to the type and definition of value.

5. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-4(b)(i) by failing to develop an opinion of site value by an appropriate appraisal method or technique when a cost approach is necessary for credible assignment results.

6. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-6(a,b) by:

- a. failing to reconcile the quality and quantity of data available and analyzed within the approaches used; and
- b. failing to reconcile the applicability and relevance of the approaches, methods and techniques used to arrive at the value conclusion.

7. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(iii) by failing to summarize information sufficient to identify the real estate involved in the appraisal, including the physical and economic property characteristics relevant to the assignment.

8. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 2-2(b)(viii) by failing to explain exclusion of the cost approach.

9. By the conduct described in the Findings of Fact, Respondent violated the Record Keeping Section of the USPAP Ethics Rule by failing to retain in his workfile all data, information and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other documentation.

10. By the conduct described in the Findings of Fact, Respondent violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.

11. As a result of the above violations, Respondent Dean R. Poirier has violated Wis. Admin. Code §§ RL (now SPS) 86.01(1) and (2), and is therefore subject to discipline pursuant to Wis. Stat. §§ 458.26(3)(b), (c) and (i).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached Stipulation is hereby accepted.
2. The Certified Residential Appraiser and Licensed Appraiser license issued to Respondent Dean R. Poirier (license number 9-1197) is hereby LIMITED as follows:
  - a. Respondent shall, within 60 days of the date of this Order, successfully complete the 15-Hour National USPAP course offered by the Appraisal Institute, or equivalent course offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course. This course shall be taken in person in a classroom setting.
  - b. Respondent shall also, within 60 days of the date of this Order, successfully complete either the 15-Hour Statistics, Modeling and Finance course or the 15-hour Real Estate Finance, Statistics and Valuation Modeling course offered by the Appraisal Institute, or equivalent course offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course. This course may be taken online or in person in a classroom setting.
  - c. Respondent shall submit proof of successful completion of the courses listed above in the form of verification from the institution(s) providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - d. Respondent's successful completion of the courses listed above shall be accepted as fulfilling the terms of this Order if the courses are taken after the date that Respondent signed the attached Stipulation, even if the courses are taken prior to the effective date of this Order.
  - e. This limitation shall be removed from Respondent's license upon Respondent satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

3. The Certified Residential Appraiser and Licensed Appraiser license issued to Respondent Dean R. Poirier (license number 9-1197) is further LIMITED as follows: Respondent shall not supervise or train any uncredentialed or credentialed appraiser until January 1, 2014. This limitation shall be removed from Respondent's license on January 1, 2014.

4. Within 90 days of the date of this Order, Respondent Dean R. Poirier shall pay COSTS of this matter in the amount of \$1000.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be mailed, faxed or delivered by Respondent to the Department Monitor at the address below:

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

6. 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 education as set forth above, Respondent's license (no. 9-1197) 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 and completion of the education.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:

  
A Member of the Board

5/23/2013  
Date