

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MELANIE HORKMAN,
RESPONDENT.

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FINAL DECISION AND ORDER

0003375

Division of Legal Services and Compliance¹ Case No. 11 APP 044

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

Melanie Horkman
1940 Renaissance Ct.
Green Bay, WI 54311

Wisconsin Real Estate Appraisers Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Real Estate Appraisers Board (Board) on February 12, 2013. Prior to the hearing, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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 Melanie Horkman (dob February 1, 1950) is certified in the State of Wisconsin as a Certified Residential Appraiser and Licensed Appraiser, having certificate of licensure and certification number 9-613, first issued on February 19, 1993, and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

of Safety and Professional Services (Department) is 1940 Renaissance Ct., Green Bay, WI 54311.

2. On February 28, 2007, Respondent was disciplined for violations of the Uniform Standards of Professional Appraisal Practice (USPAP). Respondent's certificate of licensure and certification was limited, she was ordered to complete education related to the application of the cost approach, basic appraisal procedures and advanced sales comparison or residential site valuation and to pay costs.

3. On June 3, 2008, Respondent's certificate of licensure and certification was suspended for failing to complete the education as ordered in February 2007. This suspension was lifted on March 24, 2009.

4. On February 17, 2009, Respondent self-reported to the Department that she had practiced during the time her certificate of licensure and certification was suspended.

5. On October 7, 2009, Respondent was disciplined for performing appraisals during the time her certificate of licensure and certification was suspended. She was ordered to pay \$10,000 over five years. Respondent failed to make the payment due in October 2013 and is currently in violation of the October 2009 order.

6. On August 12, 2011, Respondent performed an appraisal of property located at 5799 County Rd S, Sobieski, WI 54171-9715.

7. On or about September 29, 2011, the Department received a complaint alleging that the subject appraisal failed to include certain amenities and undervalued the property. Division of Legal Services and Compliance Case Number 11 APP 044 was subsequently opened for investigation.

8. The appraisal report for the Sobieski property was reviewed by the Division of Legal Services and Compliance, and it believes that the appraisal and appraisal report violated USPAP.

9. The Department has not received any complaints against Respondent since Case Number 11 APP 044 was opened for investigation.

10. Respondent does not admit to any of the violations alleged in Case Number 11 APP 044, but she does not wish to contest them.

11. For personal reasons, Respondent wishes to resolve Case Number 11 APP 044 pursuant to the voluntary surrender of her real estate appraiser certificate of licensure and certification.

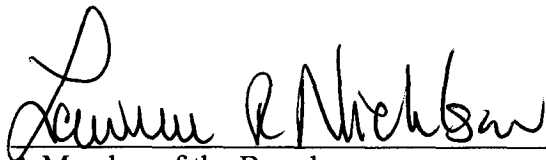
CONCLUSIONS OF LAW

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

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER of the Certified Residential Appraiser certificate of licensure and certification of Melanie Horkman (number 9-613), effective January 1, 2015, is hereby ACCEPTED.
3. This surrender constitutes Melanie Horkman's permanent relinquishment of her certificate of licensure and certification. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Melanie Horkman of credentials necessary to perform real estate appraisals in the State of Wisconsin.
4. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

9/9/2014
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MELANIE HORKMAN,
RESPONDENT.

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STIPULATION

0003375

Division of Legal Services and Compliance¹ Case No. 11 APP 044

Respondent Melanie Horkman and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Wendy Patrickus.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Appraisers Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance

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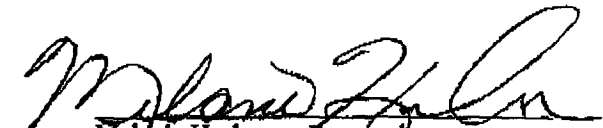
or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

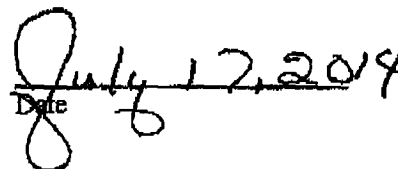
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by 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.

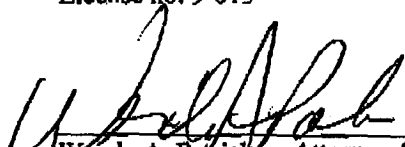
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

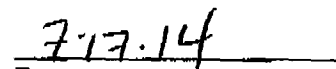
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.


8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

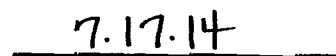

Melanie Horkman, Respondent
1940 Renaissance Court
Green Bay, WI 54311
License no. 9-613


Date


Wendy A. Patrickus, Attorney for Respondent
2266 North Prospect Avenue, Suite 309
Milwaukee, WI 53202


Date


Sarah E. Norberg, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date