

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KATHLEEN M. MCCARTAN,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: **ORDER 0003719**

---

Division of Legal Services and Compliance Case No. 13 APP 016

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

Kathleen M. McCartan  
W354N5008 Road T  
Oconomowoc, WI 53066

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

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 Kathleen M. McCartan (dob July 3, 1952) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 481-9, first issued on October 7, 1992 and current through December 14, 2015. Kathleen M. McCartan's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W354N5008 Road T, Oconomowoc, WI 53066.

2. On February 6, 2009, Respondent signed an appraisal report for an appraisal of property located at S42W31046 Woodfern Dr., Genesee, WI 53127.

3. On or about April 5, 2013, the Department received a complaint alleging Respondent's appraisal contained multiple errors. Division of Legal Services and Compliance (DLSC) Case Number 13 APP 016 was subsequently opened for investigation.

4. Respondent's appraisal was reviewed by DLSC, and it concluded that the appraisal and appraisal report violated the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and/or Standards Rules (SR).

5. Respondent does not admit to any violations alleged in DLSC Case Number 13 APP 016, but she does not wish to contest them.

6. Respondent is retired and wishes to resolve DLSC Case Number 13 APP 016 pursuant to the voluntary surrender of her Certified Residential 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).

2. As a result of the USPAP violations referenced above, Kathleen M. McCartan is subject to discipline pursuant to Wis. Stat. § 458.26(3)(b), (c) and (i).

#### ORDER

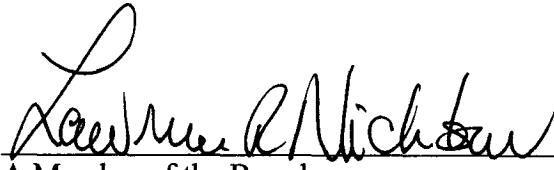
1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Respondent Kathleen M. McCartan's Certified Residential Appraiser certificate of licensure and certification (number 481-9) is hereby ACCEPTED.

3. This surrender constitutes Respondent's permanent relinquishment of her right to renew or reinstate her Certified Residential Appraiser certificate of licensure and certification. The Board will not, at any time in the future, process or otherwise consider an application for or attempt at renewal or reinstatement of a certificate of certification or licensure.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:   
A Member of the Board

2/11/2015  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KATHLEEN M. MCCARTAN,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

**ORDER 0003719**

---

Division of Legal Services and Compliance Case No. 13 APP 016

Respondent Kathleen M. McCartan 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.

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  
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.



Kathleen M. McCartan, Respondent  
W354N5008 Road T  
Oconomowoc, WI 53066  
Credential no. 481-9

11/14/14  
Date



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

11/21/14  
Date