

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/wscqa>

- 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

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JOANN B. MAU, :
RESPONDENT. : **0003955**

Division of Legal Services and Compliance¹ Case Nos. 12 APP 058 and 12 APP 073

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

Joann B. Mau
311 E. Ann Street, Suite 1
Kaukauna, WI 54130

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

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 January 29, 2015. Prior to the hearing on the Complaint, 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 adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Joann B. Mau (dob April 5, 1939) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 504-9, first granted on November 12, 1992, and current through December 14, 2015. Joann B. Mau's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 311 E. Ann Street, Suite 1, Kaukauna, Wisconsin 54130.

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

12 APP 058

2. On October 24, 2011, Respondent signed an appraisal report for an appraisal of property located at 5215 Edgewater Beach Road, Green Bay, WI 54311.

3. On or about June 1, 2012, the Department received a complaint alleging the appraisal violated the Uniform Standards of Professional Appraisal Practice (USPAP). Division of Legal Services and Compliance Case Number 12 APP 058 was subsequently opened for investigation.

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 Standards Rules (SR) as follows:

- a. Respondent described the subject property as a stone exterior year round cottage and appraised it as a single family residence on a Uniform Residential Appraisal Report.
- b. Respondent concluded the subject property's highest and best use is as vacant land. [SR 2-1(a), Competency Rule, Conduct Section of the Ethics Rule.]
- c. Respondent did not summarize the support and rationale for her opinion of the subject property's highest and best use. [SR 2-2(b)(ix).]

12 APP 073

5. On July 30, 2012, Respondent signed an appraisal report for an appraisal of property located at Lot 34 Sunshine Road, Freedom, WI 54130.

6. On or about August 31, 2012, the Department received a complaint containing four appraisals completed by Respondent, one of which was the appraisal of the property located at Lot 34 Sunshine Road.

7. Respondent's appraisal of the property located at Lot 34 Sunshine Road was reviewed by the Division of Legal Services and Compliance, and it concluded that the appraisals and appraisal reports violated USPAP and/or Standards Rules (SR) as follows:

- a. Respondent incorrectly described the condition of the subject property as C2 rather than C1. [SR 1-1(b).]
- b. Respondent did not include land value in the subject property's sale price in the Sales Comparison Approach. [SR 2-1(a).]
- c. Respondent did not analyze or adjust for all relevant features of the comparable sales utilized and failed to support the adjustments made in the Sales Comparison Approach. [SR 1-1(a), SR 1-4(a), SR 2-2(b)(viii).]

- d. Respondent did not properly reconcile the data analyzed within the Sales Comparison Approach and did not properly reconcile the approaches used. [SR 1-6(a,b).]
- e. Respondent did not properly support her opinion of site value in the Cost Approach. [SR 1-4(b)(i), SR 2-2(b)(viii).]
- f. Respondent did not explain why she excluded the Income Approach. [SR 2-2(b)(viii).]

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and 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, Joann B. Mau violated the following SR:

- a. SR 1-1(a) and (b),
- b. SR 1-4(a) and (b)(i),
- c. SR 1-6(a) and (b),
- d. SR 2-1(a), and;
- e. SR 2-2(b)(viii) and (ix).

3. By the conduct described in the Findings of Fact, Joann B. Mau violated the following USPAP Rules:

- a. Competency Rule, and;
- b. Conduct Section of the Ethics Rule.

4. As a result of the above violations, Joann B. Mau 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

- 1. The attached Stipulation is accepted.
- 2. Respondent Joann B. Mau is REPRIMANDED.

3. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent Joann B. Mau (number 504-9) is LIMITED as follows:

a. Within 6 months of the date of this Order, Respondent shall successfully complete 90 hours of education from the following courses offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses:

1. Residential Appraiser Market Analysis and Highest and Best Use (15 hours);
2. Residential Site Valuation and Cost Approach (15 hours);
3. Residential Report Writing and Case Studies (15 hours);
4. Residential Sales Comparison and Income Approach (30 hours), and;
5. USPAP (15 hours).

b. The courses listed above may be taken in person in a classroom setting or online.

c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution 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.

d. This limitation shall be removed from Respondent's certificate of licensure and certification after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent Joann B. Mau (number 504-9) is further LIMITED as follows:

a. Respondent shall not supervise or otherwise train any unlicensed, licensed or certified individuals in the performance of appraisals and shall not sign any appraisals as a supervisor of any licensed or certified appraisers.

b. This limitation shall be removed from Respondent's certificate of licensure and certification after satisfying the Board or its designee that Respondent has successfully completed all of the education ordered in paragraph 3, above.

5. Within 90 days from the date of this Order, Joann B. Mau shall pay COSTS of this matter in the amount of \$3,000.

6. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

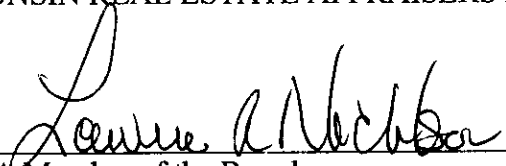
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. 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 certificate of licensure and certification. 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 certificate of licensure and certification (no. 504-9) may, in the discretion of the Board or its designee, be SUSPENDED, without hearing, after 10 business days' notice, until Respondent has complied with payment of the costs and completion of the education.

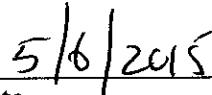
8. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:


A Member of the Board

Date



STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOANN B. MAU,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003955

Division of Legal Services and Compliance¹ Case Nos. 12 APP 058 and 12 APP 073

Respondent Joann B. Mau 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 proceeding by the Division of Legal Services and Compliance. Respondent consents to the resolution of this proceeding 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 Marie A. Stanton.

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

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

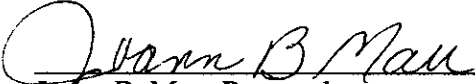
or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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.

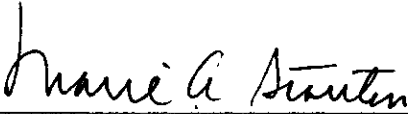
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

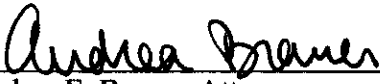
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Joann B. Mau, Respondent
311 East Ann Street, Suite 1
Kaukauna, WI 54130
Certificate no. 504-9

4-7-15
Date


Marie A. Stanton, Attorney for Respondent
Hurley, Burish & Stanton
33 East Main Street, Suite 400
Madison, WI 53703

April 16, 2015
Date


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

4/20/15
Date