

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

ADELINE D. BERNARD,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0004215

Division of Legal Services and Compliance Case No. 13 APP 065

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

Adeline D. Bernard
305 Wisconsin Avenue
P.O. Box 282
Kewaunee, WI 54216-0282

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 Adeline D. Bernard (dob July 3, 1944) is certified in the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1321-9, first issued on December 19, 2003 and current through December 14, 2015. Adeline D. Bernard's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 305 Wisconsin Avenue, P.O. Box 282, Kewaunee, Wisconsin 54216.

2. On November 19, 2008, the Board reprimanded and suspended Respondent's certificate of licensure and certification for either 120 days or until she completed two courses,

Basic Appraisal Principles and Basic Appraisal Procedures, whichever was longer. The Board found Respondent violated the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule (SR) 1-1(b) by making unsupported and inconsistent adjustments in the Sales Comparison Approach. It also found Respondent violated the Conduct Section of the USPAP Ethics Rule by allowing her impartiality and objectivity to be compromised.

3. On July 18, 2013, Respondent performed an appraisal of property located at N3842 Cedar Lane, Kewaunee, Wisconsin 54216.

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 checked the wrong box in the appraisal report form to indicate the subject property's market was declining rather than increasing. Respondent's analysis reflected the fact that the market was increasing. [SR 1-1(a).]

b. Respondent did not properly analyze the subject property as overimproved for its neighborhood market. [SR 1-1(a,c), SR 1-2(e)(i), SR 2-1(b).]

c. In the Sales Comparison Approach, Respondent did not adequately support adjustments made for the subject property's geothermal heating system. [SR 1-1(a).]

d. Respondent's report included MLS photos rather than original photos of the comparable sales Respondent utilized. [Scope of Work Rule.]

5. 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, Adeline D. Bernard violated the USPAP Scope of Work Rule by failing to determine and perform the scope of work necessary to develop credible assignment results.

3. By the conduct described in the Findings of Fact, Adeline D. Bernard violated USPAP SR 1-1(a) and (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; and

b. 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.

4. By the conduct described in the Findings of Fact, Adeline D. Bernard violated USPAP SR 1-2(e)(i) by failing to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including its location and physical, legal and economic attributes.

5. By the conduct described in the Findings of Fact, Adeline D. Bernard violated USPAP SR 2-1(b) by failing to include in her appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

6. As a result of the above violations, Adeline D. Bernard has violated Wis. Admin. Code § 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. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent Adeline D. Bernard (certificate number 1321-9) is **SUSPENDED** for 30 days.

3. The Certified Residential Appraiser certificate of licensure and certification issued to Respondent Adeline D. Bernard (certificate number 1321-9) is **LIMITED** as follows:

a. Within 90 days of the date of this Order, Respondent shall successfully complete 30 hours of education consisting of 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:

- i. Advance Residential Applications and Case Studies (15 hours) and
- ii. Residential Report Writing and Case Studies (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 ordered 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.

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. Within 90 days from the date of this Order, Adeline D. Bernard shall pay COSTS of this matter in the amount of \$650.

5. 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

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 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 costs as ordered or fails to comply with the ordered education as set forth above, Respondent's certificate of licensure and certification (no. 1321-9) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of 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

8.26.2015
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ADELINE D. BERNARD,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004215

Division of Legal Services and Compliance Case No. 13 APP 065

Respondent Adeline D. Bernard 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.

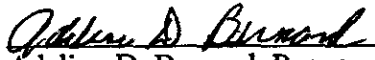
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

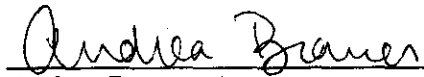
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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


Adeline D. Bernard, Respondent
305 Wisconsin Avenue
P.O. Box 282
Kewaunee, WI 54216-0282
Certificate of licensure and certification no. 1321-9

7/22/15
Date


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

7/27/15
Date