

## 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 THE CERTIFICATE OF :  
: FINAL DECISION AND ORDER  
: FOR REMEDIAL EDUCATION  
DIANE L. BLOMFELT, :  
LICENSEE. :

**0004696**

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Division of Legal Services and Compliance Case No. 15 APP 018

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

Diane L. Blomfelt  
P.O. Box 182  
Bancroft, WI 54921

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 Wisconsin 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. Licensee Diane L. Blomfelt (DOB October 18, 1941) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 62-9, first issued on August 29, 1991 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 182, Bancroft, Wisconsin 54921.

2. On March 12, 2015, Licensee performed an appraisal of property located at 12110 80<sup>th</sup> Street South, Wisconsin Rapids, Wisconsin 54494.

3. On or about April 3, 2015, the Department received a complaint alleging Licensee's appraisal was inaccurate. Division of Legal Services and Compliance Case Number 15 APP 018 was subsequently opened for investigation.

4. Licensee's appraisal was reviewed by the Division of Legal Services and Compliance and was found to be deficient in the following ways:

a. Licensee delineated the subject property's neighborhood boundaries based on the location of the comparable sales and did not correctly identify the neighborhood characteristics and present land uses.

b. Licensee incorrectly classified the subject property's zoning as G1 and Residential rather than RR-1 and Rural Suburban Residential.

c. Licensee did not disclose that she relied on the assessor's measurements of the outbuildings on the subject property.

d. In the Cost Approach, Licensee estimated site value based upon the assessment records and did not state what method she utilized to calculate the physical depreciation of the subject property's improvements. Licensee's workfile also did not include copies of cost data utilized in the Cost Approach.

5. Licensee agrees that failure to submit proof of successful completion of the ordered education as set forth below shall constitute conduct which reflects adversely on her fitness to practice as a real estate appraiser as set forth in Wis. Admin. Code § SPS 86.01(13).

6. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Appraisers Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. §§ 227.44(5) and 458.26.

#### ORDER

1. The attached Stipulation is accepted.

2. Between the date the parties entered into the attached Stipulation and ninety (90) days after the date of this Order, Diane L. Blomfelt shall, at her own expense, take and successfully complete thirty (30) hours of education as follows:

a. The 15-hour Residential Site Valuation and Cost Approach course, taken through either McKissock or the Appraisal Institute, and

b. The 15-hour USPAP course, taken through either McKissock or the Appraisal Institute.

3. Licensee 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 Department and may not be used in any future attempt to upgrade a credential.

4. Within ninety (90) days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$764.

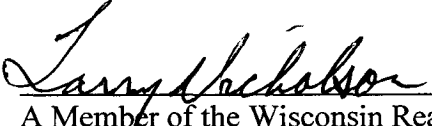

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee to the Department Monitor at the address below:

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. This Order does not constitute discipline.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:   
A Member of the Wisconsin Real Estate Appraisers Board 

5/5/2016  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF :  
DIANE L. BLOMFELT, : STIPULATION  
LICENSEE. :

0004696

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Division of Legal Services and Compliance Case No. 15 APP 018

Licensee Diane L. Blomfelt 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. Licensee consents to the resolution of this investigation by Stipulation.

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

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

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education 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. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

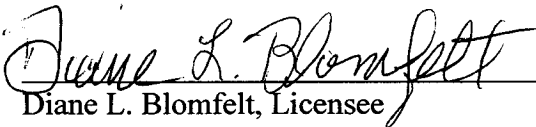
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In

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 Licensee, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Diane L. Blomfelt, Licensee  
P.O. Box 182  
Bancroft, WI 54921  
Certificate No. 62-9

  
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Date

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

  
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Date