

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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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
MERLIN D. OMMEN,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	

**0005316**

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Division of Legal Services and Compliance Case No. 16 APP 011

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

Merlin D. Ommen  
1142 173<sup>rd</sup> Avenue  
New Richmond, WI 54017

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 Merlin D. Ommen (DOB 02/13/1943) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1325-9, first issued on December 30, 2003 and current through December 14, 2017. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1142 173<sup>rd</sup> Avenue, New Richmond, Wisconsin 54017.
2. On December 17, 2015, Licensee performed an appraisal of property located at 81 County Road B, Woodville, Wisconsin 54028.
3. On or about February 24, 2016, the Department received a complaint alleging that the subject appraisal violated the Uniform Standards of Professional Appraisal Practice

(USPAP). Division of Legal Services and Compliance Case Number 16 APP 011 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. In the Neighborhood Section, Licensee delineated too large of an area for the subject's neighborhood and failed to correctly report all of the characteristics and data for the selected neighborhood. [Scope of Work Rule, Standards Rule (SR) 1-1(c), SR 2-1(c).]
- b. In the Site Section, Licensee misreported the zoning classifications. [SR 1-1(c).]
- c. In the Site Section, Licensee failed to describe the support and rationale for his opinion of the subject property's highest and best use. [SR 2-2(a)(x).]
- d. In the Sales Comparison Approach Section, Licensee failed to reconcile the data in a manner for the client to understand the reasoning and/or basis for his opinion of value. [SR 1-6(a), SR 2-1(b), SR 2-2(a)(viii).]
- e. In the Sales Comparison Approach Section, Licensee failed to provide an analysis of a comparable sale property's prior sale. [Scope of Work Rule, SR 1-1(c).]
- f. Licensee's workfile did not contain adequate information to support his opinion and conclusions for the Income Approach Section. [Record Keeping Rule, Scope of Work Rule, SR 2-1(b), SR 2-2(a)(viii).]
- g. In the Reconciliation Section, Licensee failed to explain why the Cost Approach was not used. [SR 1-1(c), SR 2-2(a)(viii).]

5. In response to the issues identified in Division of Legal Services and Compliance Case No. 16 APP 011, Licensee successfully completed 45 hours of education between March 8, 2017 and March 15, 2017, as follows:

- a. USPAP (15 hours), and
- b. Residential Sales Comparison and Income Approach (30 hours).

6. The courses completed above may not 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.

7. 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

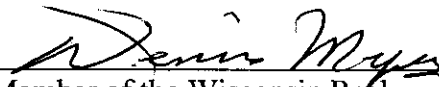
1. The attached Stipulation is accepted.
2. Within 90 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$1,062.
3. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Licensee to the Department Monitor 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

4. This Order does not constitute discipline.
5. 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

5-23-17  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF THE CERTIFICATE OF	:	
	:	STIPULATION
MERLIN D. OMMEN,	:	
LICENSEE.	:	0005316

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Division of Legal Services and Compliance Case No. 16 APP 011

Licensee Merlin D. Ommen 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.

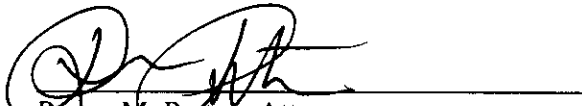
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes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

  
Merlin D. Ommen, Licensee  
1142 173<sup>rd</sup> Avenue  
New Richmond, WI 54017  
Certificate No. 1325-9

March 27, 2017  
Date

  
Renee M. Parton, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

3/29/2017  
Date