

## 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 DISCIPLINARY  
PROCEEDINGS AGAINST

DEAN R. POIRIER,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:  
: **ORDER 0006544**

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Division of Legal Services and Compliance Case No. 14 APP 046

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

Dean R. Poirier  
12978 52<sup>nd</sup> Street  
Colfax, WI 54730

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 Dean R. Poirier (DOB August 8, 1961) is certified by the State of Wisconsin as a Certified Residential Appraiser, having certificate of licensure and certification number 1197-9, first issued on September 22, 2000 and current through December 14, 2019. Dean R. Poirier's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 12978 52<sup>nd</sup> Street, Colfax, Wisconsin 54730.

2. On December 4, 2008, Respondent was disciplined by the Board for violating the Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rules (SR) 1-1(a,b) and 2-2(b)(ix). Respondent was reprimanded and required to complete forty-five (45) hours of

education in the topics of sales comparison approach to value, appraisal report writing, and ethics.

3. On May 23, 2013, Respondent was disciplined by the Board for violating USPAP SR 1-1(a,b,c), 1-2(c), 1-2(e), 1-4(b)(i), 1-6(a,b), 2-2(b)(iii, viii), the Record Keeping Section of the Ethics Rule and the Scope of Work Rule. Respondent was ordered to take the 15-hour USPAP course and a 15-hour course in Statistics, Modeling and Finance or a 15-hour course in Real Estate Finance, Statistics and Valuation Modeling.

4. On April 16, 2014, Respondent performed an appraisal of property located at N2521 County Road C, Elmwood, Wisconsin 54740.

5. On or about June 26, 2014, the Department received a complaint alleging that the subject appraisal violated USPAP. Division of Legal Services and Compliance Case Number 14 APP 046 was subsequently opened for investigation.

6. 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 and/or SR as follows:

a. Respondent failed to explain the contradiction between his highest and best use determination and the legal zoning classification of the subject property. [SR 1-3(a,b), SR 2-1(a,b), SR 2-2(a)(viii,x).]

b. Respondent failed to note that the subject property will have a geo-thermal heating system and incorrectly stated there was no basement entry or exit and no energy efficient items. [SR 1-1(c).]

c. In the Sales Comparison Approach, Respondent utilized inappropriate comparable sales and made adjustments to the comparable sales without explaining the logic and rationale for the adjustments. [SR 2-1(a,b), SR 2-2(a)(viii).]

d. In the Cost Approach, Respondent did not support his opinion of site value and failed to make a deduction for depreciation due to the subject property's overimprovement. [SR 1-4(b)(i,iii).]

e. In the Cost Approach, Respondent failed to calculate the subject property's replacement cost rather than the reproduction cost, which should have been utilized due to the rare and unique building materials used and costly custom workmanship of the subject property. [SR 1-1(a,b,c), SR 1-2(h), SR 1-4(b)(ii).]

f. Respondent indicated he utilized information obtained from local builders and/or Marshall & Swift in support of his analyses, opinions, and conclusions but his workfile does not include data from local builders or copies of cost work sheets. [Record Keeping Rule.]

g. Respondent failed to determine and perform the scope of work necessary to develop credible assignment results by completing an appraisal of a complex property without providing necessary and appropriate analysis of its marketability. [Scope of Work Rule.]

7. Since Respondent's performance of the appraisal at issue in this matter in April 2014:

a. Respondent completed 117 hours of continuing education;

b. Respondent obtained a Senior Residential Appraiser designation from the Appraisal Institute on April 27, 2016; and

c. No new complaints have been filed against Respondent with the Department.

8. Respondent neither admits nor denies the violations alleged but desires to resolve this case by stipulation and 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, Dean R. Poirier violated the USPAP Scope of Work Rule by failing to include in his Scope of Work the research and analyses that are necessary to develop credible assignment results.

3. By the conduct described in the Findings of Fact, Dean R. Poirier violated the USPAP Record Keeping Rule by failing to include in his workfile all data, information, and documentation necessary to support his opinions and conclusions and to show compliance with USPAP.

4. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 1-1(a) through (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;

b. committing a substantial error of omission or commission that significantly affected an appraisal; and

c. 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.

5. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 1-2(h) by failing to determine the scope of work necessary to produce credible assignment results in accordance with the Scope of Work Rule.

6. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 1-3(a) and (b) in developing his market value opinion by:

a. failing to identify and analyze the effect on use and value of existing land use regulations, reasonably probable modifications of such land use regulations, economic supply and demand, the physical adaptability of the real estate, and market area trends, and

b. failing to develop an opinion of the highest and best use of the real estate.

7. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 1-4(b)(i) through (iii) by, when a Cost Approach was necessary for credible assignment results:

a. failing to develop an opinion of site value by an appropriate appraisal method or technique;

b. failing to analyze such comparable cost data as were available to estimate the cost new of the improvements (if any); and

c. failing to analyze such comparable data as were available to estimate the difference between the cost new and the present worth of the improvements (accrued depreciation).

8. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 2-1(a) and (b) by:

a. failing to clearly and accurately set forth the appraisal in a manner that will not be misleading, and

b. failing to include in his appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

9. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 2-2(a)(viii) by failing to summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports his analyses, opinions and conclusions.

10. By the conduct described in the Findings of Fact, Dean R. Poirier violated USPAP SR 2-2(a)(x) by failing to summarize the support and rationale for his opinion of highest and best use.

11. As a result of the above violations, Dean R. Poirier 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 Dean R. Poirier (number 1197-9) is LIMITED as follows:
  - a. Within 90 days of the date of this Order, Respondent shall successfully complete 22 hours of education consisting of the following courses offered by a provider preapproved by the Board's monitoring liaison, including taking and passing any exam offered for the courses:
    - i. Residential Sales Comparison Approach (7 hours), and
    - ii. Residential Site Valuation and Cost Approach (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(s) 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.
3. Requests for pre-approval and proof of successful course completion 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

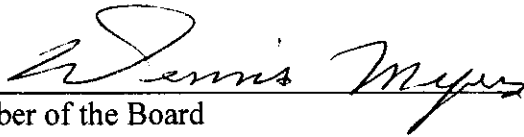
This information may also be submitted online via DSPS' Monitoring Case Management System at <https://app.wi.gov/DSPSMonitoring>.

4. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1197-9), or Respondent's right to renew his certificate of licensure and certification may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:

  
A Member of the Board

11-15-19  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DEAN R. POIRIER,  
RESPONDENT.

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STIPULATION

**ORDER 0006544**

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Division of Legal Services and Compliance Case No. 14 APP 046

Respondent Dean R. Poirier 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. Respondent is represented by Attorney Timothy J. Proue.

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 or Respondent's attorney, 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.

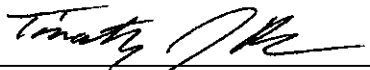
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Dean R. Poirier, Respondent  
12978 52<sup>nd</sup> St.  
Colfax, WI 54730  
Credential no. 1197-9

11/08/2019

Date



Timothy J. Prude, Attorney for Respondent  
Wiley Law SC  
119 ½ N. Bridge St.  
P.O. Box 370  
Chippewa Falls, WI 54729

11/8/19

Date



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

11.8.19

Date