

## 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 :  
 : FINAL DECISION AND ORDER  
FREDRICK C. CATTELAN :  
RESPONDENT. :

**ORDER 0007074**

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Division of Legal Services and Compliance Case No. 19 APP 014

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

Fredrick C. Cattelan  
Ironwood, MI 49938

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 Fredrick C. Cattelan (Birth Year: 1976) is licensed by the State of Wisconsin as a licensed appraiser, having certificate of licensure number 2052-4, first issued on October 23, 2007 and current through December 14, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Ironwood, Michigan 49938.

2. On April 22, 2019, Respondent performed an appraisal of a property located at 711 Crestview Lane, Mellen, Wisconsin 54546. This appraisal was performed for Complainant, who was also the property owner client.

3. On May 23, 2019, Respondent performed a second appraisal of the subject property. This appraisal was performed for a credit union client.

4. On or about June 20, 2019, the Department received a complaint alleging that the subject appraisals were performed incorrectly. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 APP 014 for investigation.

5. DLSC reviewed Respondent's appraisal and it was determined that the appraisal and appraisal report violated the Uniform Standards of Professional Appraisal Practice (USPAP) Rules and/or Standard Rules (SR) as follows:

- a. In the Neighborhood section, Respondent failed to accurately report the neighborhood and/or the neighborhood information. [SR 2-1(a)(b).]
- b. In the Neighborhood section, Respondent failed to provide support for his opinions of market condition. [Record Keeping Rule]
- c. In the Sales Comparison Approach section, Respondent failed to provide any market evidence or data to support his opinion to not adjust comparable data for different sale markets. Respondent failed to adequately research and support his adjustments for bath and bedrooms of comparables in his report and workfile. [Record Keeping Rule, SR 1-1(c), SR 1-4, SR 2-1(b).]
- d. In the Sales Comparison Approach section, Respondent failed to support a location adjustment made to a comparable sale property in the report and workfile. [Record Keeping Rule, SR 2-1(b).]
- e. In the Cost Approach Section, Respondent failed to include a summary of land sale data used to develop his opinion of site value, and there was no supporting data in his workfile. [Record Keeping Rule, Scope of Work Rule.]
- f. Respondent failed to complete a sufficient workfile that would allow an appraiser to produce an appraisal report when he completed a Restricted Appraisal Report. [Record Keeping Rule.].

6. In response to the issues identified in DLSC Case No. 19 APP 014, Respondent successfully completed forty-nine (49) hours of corrective education between June 28, 2020 and September 1, 2020 as follows:

- a. USPAP (15 hours) provided by McKissock;
- b. Residential Sales Comparison and Income Approaches (30 Hours) provided by McKissock; and
- c. Appraiser Self Protection: Documentation and Record Keeping (4 hours) provided by the Appraisal Foundation.

7. 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, Respondent violated the USPAP Record Keeping Rule by failing to include in his workfile all other data, information, and documentation necessary to support his opinions and conclusions and to show compliance with USPAP.

3. By the conduct described in the Findings of Fact, Respondent violated the USPAP Scope of Work Rule by failing to gather and analyze information about those assignment elements that are necessary to properly identify the appraisal problem to be solved.

4. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-1(c) by rendering appraisal services in a careless or negligent manner.

5. By the conduct described in the Findings of Fact, Respondent violated USPAP SR 1-4 by failing to collect, verify, and analyze all the information necessary for developing credible assignment results.

6. By the conduct described in the Findings of Fact, Respondent 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.

7. As a result of the above violations, Respondent 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. Respondent Fredrick C. Cattelan is REPRIMANDED.

3. The Board recognized the education set forth in paragraph 6(a) through (c) of the Findings of Fact above as the equivalent of the education the Board would have otherwise ordered. The courses set forth in paragraph 6(a) through (c) of the Findings of Fact may not 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.

4. Within ninety (90) days from the date of this Order, Respondent shall pay the COSTS of this matter in the amount of \$2,873.

5. 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](mailto:DSPSMonitoring@wisconsin.gov)

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

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure (number 2052-4), 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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:   
A Member of the Board

11/10/2020  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST : STIPULATION  
: :  
: :  
FREDRICK C. CATTELAN, :  
RESPONDENT. :  
: ORDER UUU7074

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Division of Legal Services and Compliance Case No. 19 APP 014

Respondent Fredrick C. Cattelan 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 Mario Mendoza of Murphy Desmond.

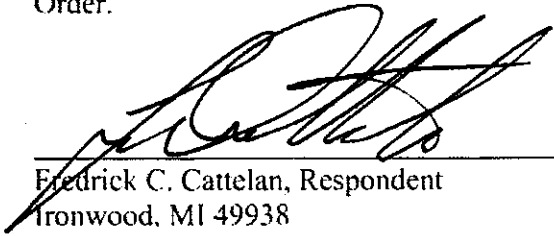
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Appraisers Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 proceeding 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.

  
\_\_\_\_\_  
Fredrick C. Cattelan, Respondent  
Ironwood, MI 49938  
Certificate no. 2052-4

October 26, 2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mario Mendoza, Attorney for Respondent  
Murphy Desmond  
33 E. Main St. Suite 500  
P.O. Box 2038  
Madison, WI 53701-2038

October 26, 2020  
\_\_\_\_\_  
Date

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

10/26/2020  
\_\_\_\_\_  
Date