

## 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

LYLE M. POMPLUN,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007206**

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Division of Legal Services and Compliance Case No. 19 APP 031

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

Lyle M. Pomplun  
Wautoma, WI 54982

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. Respondent Lyle M. Pomplun (Birth Year 1955) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1427-9, first issued on June 14, 2005 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 Wautoma, Wisconsin 54982.

2. On November 11, 2015, Respondent was reprimanded and ordered to complete 44 hours of education (Final Decision and Order #0004347) in Case Number 13 APP 100 for drafting an appraisal report that violated Uniform Standards of Professional Appraisal Practice (USPAP) Rules and Standard Rules (SR).

3. On December 3, 2019, the Department received a complaint alleging that Respondent had performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 19 APP 031 for investigation.

4. On December 3, 2019, Respondent performed an appraisal of a property located at N3517 Bary Drive, Montello, Wisconsin 53949.

5. Respondent's appraisal was reviewed by the DLSC and was found to be deficient in the following ways:

- a. Respondent utilized a form intended for mortgage financing when the subject appraisal was not for a mortgage finance transaction. [SR 2-1(a).]
- b. In the Site section, Respondent incorrectly reported the Specific Zoning Classification and description as "G1-Single Family Residential Shoreline" (which is an assessment class) when the property's actual zoning classification is "recreational." Respondent did not address subject property's shoreland zoning classification. [SR 1-1(c), SR 2-1(a).]
- c. In the Site section, Respondent failed to provide a summary of his support and rationale for his opinion of the Highest and Best Use in the report. [SR 2-2(a)(x).]
- d. In the Sales Comparison Approach section, Respondent incorrectly reported that the price range of 6 comparable listings was \$155,000-\$250,000 and the price range of 7 comparable sales was \$155,000-\$250,000. However, in Respondent's workfile, he provided an MLS Statistical Market Analysis of 47 properties which reports that the price range of comparable listings was \$179,000-\$289,900 and the price range of comparable sales was \$175,000-\$250,000. [SR 1-1(c), SR 2-1(a).]
- e. In the Sales Comparison Approach section, Respondent utilized 4 comparables and adjusted the comparable sales for site, view, bathroom utility, above grade living area, below grade living area, garage space, and exterior amenities. Respondent failed to include support for these adjustments in his workfile, and failed to include any references to where the support for these adjustments may be located. [Record Keeping Rule.]

6. 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 SR 1-1(c) by rendering appraisal services in a careless or negligent manner.

4. By the conduct described in the Findings of Fact, Respondent violated 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.

5. By the conduct described in the Findings of Fact, Respondent violated SR 2-2(a)(x) by failing to summarize the support and rationale for the opinion of highest and best use.

6. 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)(c) and (i).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Lyle M. Pomplun is REPRIMANDED.

3. Respondent Lyle M. Pomplun's certified residential appraiser certificate of licensure and certification (no. 1427-9) is LIMITED as follows:

- a. Within sixty (60) days of the date of this Order, Respondent shall successfully complete thirty seven (37) 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. National USPAP course (15 hours) (must be taken online).
  - ii. Appraiser Self Protection: Documentation and Record Keeping (4 hours).
  - iii. How to Support and Prove your Adjustments (7 hours).
  - iv. Appraisal Adjustments II: Solving Complex Problems (7 hours).
  - v. Residential Report Writing vs. Form Filling (4 hours).
- b. With the exception of the National USPAP Course which must be taken online, 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.
- d. The education completed pursuant to this Order may not be used to satisfy any other continuing education requirements with the Board.

4. Within ninety (90) days from the date of this Order, Respondent Lyle M. Pomplun shall pay the COSTS of this matter in the amount of \$1,668.

5. Requests for pre-approval, 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](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS' Monitoring Case Management System at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (number 1427-9), 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.

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

WISCONSIN REAL ESTATE APPRAISERS BOARD

by:   
A Member of the Board

2/9/2021  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE APPRAISERS BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LYLE M. POMPLUN,  
RESPONDENT.

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STIPULATION

**ORDER 0007206**

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Division of Legal Services and Compliance Case No. 19 APP 031

Respondent Lyle M. Pomplun 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.

  
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Lyle M. Pomplun, Respondent  
Wautoma, WI 54982  
Credential No. 1427-9

12/22/2020  
Date

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

01/02/2021  
Date