

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

APRIL L. KONCZAL,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007999

Division of Legal Services and Compliance Case No. 20 APP 056

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

April L. Konczal
Racine, WI 53402-1388

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 April L. Konczal (Birth Year 1977) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1617-9, first issued on November 20, 2007 and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Racine, Wisconsin 53402-1388.

2. On May 9, 2012, Respondent was reprimanded and ordered to complete remedial education (Final Decision and Order # 0001538) in Case Number 11 APP 039 for performing an appraisal that failed to comply with the Uniform Standards for Professional Appraisal Practice (USPAP) Ethics Rule, Scope of Work Rule, Standards Rule (SR) 1-1(a,b,c), SR 1-2(a,b,c,e), 1-

3(a,b), SR 2-1(b), and 2-2(b)(i,ii,v).¹ Respondent complied with the Order and was granted full licensure in 2013.

3. On November 2, 2020, 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 20 APP 056 for investigation.

4. On September 19, 2018, Respondent finalized an appraisal of a property located at 149 N. Lakeshore Drive, Village of Fontana, Wisconsin 53125.

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

- a. In the Neighborhood section, Respondent erred in reporting the delineated neighborhood's present land uses by failing to include agricultural and vacant uses. [SR 1-2(e)(i) and 2-1(a)]
- b. In the Sales Comparison Approach section, Respondent reported that there were no comparable listings or comparable sales found in the subject neighborhood; however, the DLSC investigation revealed a comparable sale meeting Respondent's search criteria. [Scope of Work Rule, SR 1-1(c), and 2-1(b)]
- c. In the Sales Comparison Approach section, Respondent misreported that the subject property included a boat slip and then erroneously adjusted comparable properties lacking this characteristic by \$100,000. Respondent failed to verify and report this information came from the property owner. This error affects the credibility of the opinion of value. [SR 1-1(c), 1-4, and 2-1(b)]
- d. In the Sales Comparison Approach section, Respondent selected comparable sales that have larger lot sizes than the subject property, Respondent stated lot size was considered in the reconciliation, but her reconciliation comment does not explain how lot size affected her consideration of value. [SR 1-1(c), 1-4, and 2-1(b)]
- e. In the Sales Comparison Approach section, Respondent failed to provide support for any adjustments made to comparable sales in Respondent's workfile. [Record Keeping Rule]

6. Respondent has reviewed the MLS listing for the comparable property found by DLSC in paragraph 5.b. of these Findings of Fact. Respondent disputes that this property is comparable in the following ways.

- a. The subject property is part of an association, while the "comparable property" is not.

¹ All USPAP references in this paragraph are to the rules as they existed in 2011 when the conduct occurred.

- b. The location of the “comparable property” is inferior to the subject property.
- c. The “comparable property” sold for \$195,000 while the subject property had its land alone assessed at \$241,500.

7. In order to avoid the costs and uncertainty of litigation, and despite these objections, 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 USPAP² Record Keeping Rule by failing to include in Respondent’s workfile all other data, information, and documentation necessary to support Respondent’s 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 the 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 SR 1-1(c) by 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, Respondent violated SR 1-2(e)(i) by failing to identify, from sources the appraiser reasonably believes to be reliable, the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including its location and physical, legal, and economic characteristics.

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

7. By the conduct described in the Findings of Fact, Respondent violated SR 2-1(a) by failing to clearly and accurately set forth the appraisal in a manner that was not misleading.

8. By the conduct described in the Findings of Fact, Respondent violated SR 2-1(b) by failing to include in Respondent’s appraisal report sufficient information to enable the intended users of the appraisal to understand the report properly.

² All USPAP references in this section are to the rules as they existed in 2018 when the conduct occurred.

9. 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 April L. Konczal is REPRIMANDED.
3. Respondent April L. Konczal's certified residential appraiser certificate of licensure and certification (no. 1617-9) is LIMITED as follows:
 - a. Within 120 days of the date of this Order, Respondent shall successfully complete forty-one (41) 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. Advance Residential Applications and Case Studies (15 hours).
 - iii. Complex Properties: The Odd Side of Appraisal (7 hours).
 - iv. Appraiser Self Protection: Documentation and Record Keeping (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 120 days from the date of this Order, Respondent April L. Konczal shall pay the COSTS of this matter in the amount of \$2,039.
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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's certificate of licensure and certification (no. 1617-9), or Respondent's right to renew her 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

6/8/2022
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

APRIL L. KONCZAL,
RESPONDENT.

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:
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STIPULATION

ORDER 0007999

Division of Legal Services and Compliance Case No. 20 APP 056

Respondent April L. Konczal 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 Daniel Mullin.
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.



April L. Konczal, Respondent
Racine, WI 53402-1388
Credential No. 1617-9

3-30-2022
Date



Daniel Mullin, Attorney for Respondent
Crivello Carlson S.C.
710 N. Plankinton Ave, Suite 500
Milwaukee, WI 53203

4.5.2022
Date



Alicia Kennedy, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/13/2022
Date