

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
LORI A. CLUBB, : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
:

ORDER 0008225

Division of Legal Services and Compliance Case No. 21 APP 018

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

Lori A. Clubb
Palmyra, WI 53156

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. Licensee Lori A. Clubb (Birth Year 1973) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1871-9, first issued on May 14, 2012 and current through December 14, 2023. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Palmyra, Wisconsin 53156.

2. On November 10, 2004, the Board reprimanded Licensee in Case No. 04 APP 011 for failing to meet the necessary continuing education requirements (Order #LS0411103APP).

3. On March 30, 2021, the Department received a complaint alleging that Licensee performed an inadequate appraisal. The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 21 APP 018 for investigation.

4. On March 28, 2021, Licensee performed an appraisal of a property located at 7006 144th Avenue, Kenosha, Wisconsin 53142.

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

- a. In the Subject section of the report, Licensee did not report the entire listing history of the subject property. [Uniform Standards of Professional Appraisal Practice (USPAP) Scope of Work Rule, Standard Rule (SR) 1-1(c), SR 2-1(a)]
- b. In the Neighborhood section of the report, Licensee delineated a 41.09 square mile area as the neighborhood, which included agricultural and vacant land uses, but Licensee did not report those uses. No commentary regarding subject property being located in a golf course community was included or analyzed. [SR 1-1(a), SR 1-2(e)(i), SR 2-1(b)]
- c. In the Sales Comparison Approach section, Licensee utilized three sales that front the golf course, but that fact was not reported or analyzed by Licensee. Land sales show that the lots that sold on the golf course sold for 30,000 to \$63,000 more than those not. Licensee failed to include any analysis in her workfile for not making adjustments for differences in fireplaces, porches, patios or decks. [Record Keeping Rule, SR 1-4(a), SR 2-1(a)]
- d. In the Cost Approach section, Licensee did not include a summary of the data utilized to develop the opinion of market value of the subject lot. [Scope of Work Rule, SR 2-1(b), 2-2(a)(viii)]

6. On April 19, 2021, the subject property closed. The Board does not opine on whether the forgoing had any effect on the transaction for the subject property.

7. Licensee agrees that failure to submit proof of successful completion of the ordered education as set forth below shall constitute conduct that reflects adversely on her fitness to practice as a real estate appraiser, as set forth in Wis. Admin. Code § SPS 86.01(13).

8. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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 of the date of this Order, Licensee shall, at her own expense, take and successfully complete 27 hours of education as follows:
 - a. National USPAP course (15 hours) (must be taken online).

- b. Practical Applications of the Residential Sales Comparison Approach (4 Hours).
- c. That's a Violation (4 Hours).
- d. Appraiser Self-Protection: Documentation and Record Keeping (4 hours).
- e. Each course attended in satisfaction of this Order must be offered by a provider pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam(s) offered for the course(s).
- f. Licensee shall submit proof of successful completion of the education in the form of verification from the institution 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 Department and may not be used in any future attempt to upgrade a credential.

3. Requests for course approval and proof of successful course completion shall be 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Licensee may also submit this information online via DSPS' Monitoring Case Management System at: <https://dspsmonitoring.wi.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: *Carl N. Chaw*
A Member of the Board

10/24/2022
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
LORI A. CLUBB, : STIPULATION
LICENSEE. :

ORDER 0008225

Division of Legal Services and Compliance Case No. 21 APP 018

Licensee Lori A. Clubb and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

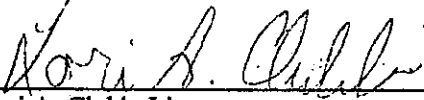
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.
2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the 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. Licensee is presented by Attorney Erik Monson.
4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Real Estate Appraisers Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education 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.

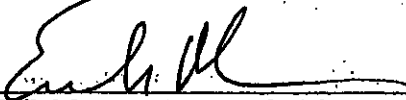
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes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

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

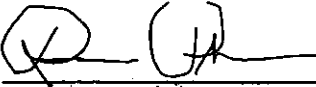
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.


Lori A. Clubb, Licensee
Palmyra, WI 53156
Credential No. 1871-9

10-13-22
Date


Erik Monson, Attorney for Licensee
Coyne, Schultz, Becker & Bauer, S.C.
150 E. Gilman St., Suite 1000
Madison, WI 53703

10-13-22
Date


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

10/13/2022
Date