

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	:	
	:	FINAL DECISION AND ORDER
BRIAN K. HIETPAS,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	ORDER 0008565

Division of Legal Services and Compliance Case No. 21 APP 039

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

Brian K. Hietpas
Kaukauna, WI 54130

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 Brian K. Hietpas (Birth Year 1961) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 614-9, first issued on February 24, 1993 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 Kaukauna, Wisconsin 54130.
2. On August 2, 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 039 for investigation.
3. On April 28, 2020, Licensee performed an appraisal of a property located at 1224 Palisades Drive, Appleton, Wisconsin 54915.
4. Licensee's appraisal was reviewed by the DLSC and was found to be deficient in the following ways:

- a. In the Site Section of the report, Respondent did not report the site dimensions. He wrote “see attached site map,” but the attached map did not contain the site dimensions. Respondent could have found the site dimensions by selecting a tab in the county GIS mapping program, or by researching the plat map. [Uniform Standards of Professional Appraisal Practice (USPAP) Scope of Work Rule, Standards Rule (SR) 1-2 (e)(i), SR 2-1 (a)]
- b. In the Site Section of the report, Respondent failed to adequately report all of the zoning for the property. Respondent reported the zoning as SHR – Shoreland. This is correct, but the property is also zoned R-1B – Single Family District by the City of Appleton. [Scope of Work Rule, SR 1-1 (c), SR 1-2 (e)(i)]
- c. In the Site Section of the report, Respondent incorrectly reported that the subject property is not located in a flood hazard area. It may be correct that the improvement is not in a flood hazard area, but part of the subject property fronts on the Fox River and is in a FEMA Special Flood Hazard Area according to FEMA’s website and the City of Appleton’s online GIS mapping program. [Scope of Work Rule, SR 1-1 (c), SR 1-2 (e)(i), SR 1-4]
- d. In the Site Section of the report, Respondent failed to summarize his analysis and rationale for why he thought the current use of the subject property, which is a small A-frame cottage, was the highest and best use. Respondent told the Department that he concluded it would not be feasible to raze the improvements on the lot, due to the cost of the lot and the cost to raze, and therefore the current use was the maximum productivity of the site. However, Respondent did not summarize this in his report to show his consideration of it. [SR 2-2 (a)(xii)]
- e. In the Improvement Section of the report, Respondent incorrectly stated that the property generally conforms to the neighborhood. The subject’s improvement is a 484 square feet cottage with no basement and a second floor that is only accessible via ladder. The vast majority of the homes in the subject neighborhood are much bigger, have better functional utility, and have basements. [SR 2-1 (a)]
- f. In the Cost Section of the report, Respondent provided an opinion of value for the site and noted that he based the site value on a review of other waterfront land sales. However, Respondent did not provide a summary of any sales in his report, although there were land sales found in his workfile. [Scope of Work Rule, SR 2-1 (b), SR 2-2 (a)(x)(1) and (5)]

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

6. 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 his own expense, take and successfully complete 33 hours of education as follows:

- a. National USPAP course (15 hours) (must be taken online).
- b. Residential Appraisal Review and USPAP Compliance (7 Hours).
- c. Mortgage Lending Appraisal Requirements: Fannie Mae and Freddie Mac (7 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 courses satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exams offered for the courses.
- 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

Submissions may also be made online 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: David P. Figanski
A Member of the Board

5/23/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF	:	
	:	STIPULATION
BRIAN K. HIETPAS,	:	
LICENSEE.	:	ORDER 0008565

Division of Legal Services and Compliance Case No. 21 APP 039

Licensee Brian K. Hietpas 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.

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.

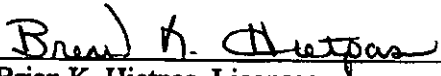
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.



Brian K. Hietpas, Licensee
Kaukauna, WI 54130
Credential No. 614-9

4/5/2023

Date



Megan Reed, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

4/5/2023

Date