

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 :
BARBARA A. SHANNON, : FINAL DECISION AND ORDER
LICENSEE. : FOR REMEDIAL EDUCATION
: **ORDER 0008664**

Division of Legal Services and Compliance Case No. 21 APP 034

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

Barbara A. Shannon
Menomonie, WI 54751-4800

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

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Real Estate Appraisers (Board) on July 14, 2023. Prior to the hearing on the Complaint, and in lieu of continuing to pursue disciplinary action, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the 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 Barbara A. Shannon (Birth Year 1956) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1307-9, first issued on October 24, 2003 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 Menomonie, Wisconsin 54751.

2. On September 12, 2007, Licensee was disciplined (Final Decision and Order # LS07091216APP) in Case Number 06 APP 016 for violating Wis. Stat. §§ 458.01(13) and 458.26(3)(c), the Uniform Standards of Professional Appraisal Practice (USPAP) Competency Rule, Standards Rule (SR) 1-1(a, b, c), SR 1-4(a), and SR 2-2(a, b, c)-(ix).

3. On July 8, 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 034 for investigation.

4. On April 28, 2021, Licensee performed an appraisal of a property located at N4628 1150th St., Prescott, Wisconsin 54021.

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

- a. Although this was identified as an exterior only appraisal, in the Improvement Section of the appraisal report, Licensee reported on several features of the interior of the home including the number of bathrooms. Licensee later stated that she had in fact inspected the interior herself. This information was not disclosed in her appraisal report. [Scope of Work Rule, SR 2-1(a)]
- b. Licensee reported in the Improvement Section that several appliances, which under Wisconsin law would be considered personal property, were included in her opinion of value. She did not however analyze how the appliances impacted her opinion of value. [SR 1-4(g)]
- c. Licensee incorrectly included square footage of the home's lower level in the total above grade living area stated in the Improvement Section of the report. Based on HUD guidelines, since some of the lower level is below grade pursuant to ANSI measurements, it should have been classified as below grade in its entirety unless the appraiser could show market acceptance for such a unique design. Licensee contends that no part of the lower level is below grade. Licensee therefore did not analyze in her report whether there is market acceptance for including the partially below grade lower level in the above grade living area. [Scope of Work Rule, SR 2-1(b)]
- d. Licensee indicated in the Improvement Section that the functional utility, style, condition, use, and construction of the property generally conforms to the neighborhood, however it is a custom designed home that does not have a basement. All the comparable properties used by Licensee in her sales comparison analysis had basements. Licensee's statement that the style and functional utility of the home conform to the neighborhood is therefore inaccurate. [SR 2-1(a)]
- e. The Sales Comparison Approach Section included various adjustments to the chosen comparable properties, however no specific support for the adjustments is provided in the workfile. [Record Keeping Rule]
- f. Licensee did not include support in the workfile for the cost data used in the Cost Approach Section. [Record Keeping Rule]

g. Licensee did not disclose that she utilized MLS photos for some of the comparable properties analyzed in the Sales Comparison Approach Section. [Scope of Work Rule, SR 2-1(a)]

6. 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 her fitness to practice as a real estate appraiser as set forth in Wis. Admin. Code § SPS 86.01(13).

7. 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 34 hours of education as follows:

- a. National USPAP course (15 hours) (must be taken online).
- b. Advanced Residential Application and Case Studies (15 Hours).
- c. Measure it Right! – Using ANSI (4 Hours).
- d. 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).
- e. 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. Should Licensee be unable to complete the required education within the 90 day period allowed by this Order, she may petition the Board or its designee for additional time. The Board or its designee may require that Licensee include any documentation it deems necessary in considering her request. The Board may grant or deny any such petition, in its discretion, or may modify this Order as it sees fit.

4. Requests for course approval and proof of successful course completion, as well as petitions for additional time to complete courses, 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://dpsmonitoring.wi.gov/>

5. This Order does not constitute discipline.
6. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE APPRAISERS BOARD

by: 
A Member of the Board

8/1/2023
Date

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE CERTIFICATE OF :
BARBARA A. SHANNON, :
LICENSEE. :

STIPULATION

ORDER 0008664

Division of Legal Services and Compliance Case No. 21 APP 034

Licensee Barbara A. Shannon 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.

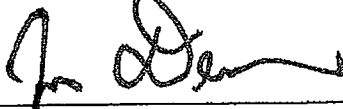
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes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


Barbara A. Shannon, Licensee
Menomonie, WI 54751-4800
Credential No. 1307-9

7-19-56 7/19/23
Date


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

7/20/2023
Date