

## 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 THE CERTIFICATE OF :  
: FINAL DECISION AND ORDER  
CAROL L. BERG, :  
: FOR REMEDIAL EDUCATION  
LICENSEE. :

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**ORDER 0008668**

Division of Legal Services and Compliance Case No. 21 APP 062, 21 APP 067, and 22 APP 024

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

Carol L. Berg  
Aniwa, WI 54408

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 Carol L. Berg (Birth Year 1966) is certified by the State of Wisconsin as a certified residential appraiser, having certificate of licensure and certification number 1062-9, first issued on March 10, 1997 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 Aniwa, Wisconsin 54408.

2. On October 18, 2006, Licensee was disciplined (Order #LS0610186APP) in Case No. 06 APP 021 for failing to complete required continuing education credits and for making a material misstatement in her renewal application regarding the continuing education credits, in violation of Wis. Stat. §§ 458.13, 458.26(3)(a), (3)(b), (3)(i), and Wis. Admin. Code § RL 85.01.

21 APP 062

3. On November 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 062 for investigation.

4. On November 30, 2021, Licensee performed an appraisal of a property located at 1284 Lily Lake Lane South, Pickerel, Wisconsin 54465.

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 correctly reported that the subject property had been listed for sale in the prior 12 months, but failed to report the data source(s) used, offering price(s), and date(s) of the listing, and did not provide a summary of the analysis of the listing of the subject property. [Uniform Standards of Professional Appraisal Practice (USPAP) Scope of Work Rule, Standards Rule (SR) 1-1 (c), SR 1-5 (a), SR 2-1 (b), and SR 2-2 (a) (x)(3)]
- b. In the Site section of the report, Licensee failed to report all of the zoning for the property. Licensee reported the statewide zoning but failed to report the county zoning. [SR 1-1 (c), SR 1-2 (e)(i), and SR 2-1 (b)]
- c. In the Site section of the report, Licensee provided an opinion of highest and best use but failed to summarize the support and rationale for that opinion in the report. [SR 2-2 (a)(xii)]
- d. Licensee's workfile lacked support for adjustments made in the Sales Comparison Approach and there was no reference to another location for this data. [USPAP Record Keeping Rule]

21 APP 067

6. On December 20, 2021, the Department received a complaint alleging that Licensee missed several deadlines, resulting in a cancelled appraisal assignment. The DLSC subsequently opened Case Number 21 APP 067 for investigation.

7. In late 2021, Licensee accepted an appraisal assignment in Upham Township, Wisconsin.

8. Licensee did not complete the appraisal before its due date on November 22, 2021.

9. The property owner made several unsuccessful attempts to contact Licensee regarding the incomplete appraisal.

10. On December 8, 2021, Licensee replied to the property owner and said that she would try to get the appraisal completed by December 13, 2021.

11. On December 10, 2021, the property owner cancelled the appraisal assignment with Licensee.

12. According to the property owner, because of Licensee's delays, "[t]he bank increased our costs by over \$1500 and we lost out on the lower interest rate that we had."

13. On December 21, 2021, the Department contacted Licensee to request a response to the complaint.

14. On December 21, 2021, Licensee stated "In late November, I had fallen quite behind schedule, due to a number of unexpectedly complex appraisals and missing some work on a personal matter." Licensee later added that the personal matters had been addressed and she had hired office staff to help with scheduling and communications.

22 APP 024

15. On September 2, 2022, the Department received a complaint alleging that Licensee performed an inadequate appraisal. The DLSC subsequently opened Case Number 22 APP 024 for investigation.

16. On February 25, 2021, Licensee performed an appraisal of a property located at 705 West Taylor Street, Merrill, Wisconsin 54452.

17. 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 correctly reported that the subject property had been listed for sale in the prior 12 months, but failed to report the data source(s) used, offering price(s), and date(s) of the listing, and did not provide a summary of the analysis of the listing of the subject property. [USPAP Scope of Work Rule, SR 1-1 (c), SR 1-5 (a), SR 2-1 (b), and SR 2-2 (a)(x)(3)]
- b. In the Site section of the report, Licensee left the specific zoning classification blank and reported the zoning description as "residential." However, according to the City of Merrill GIS mapping program found online, the subject's zoning classification is Residential 1 or R-1, and the zoning description is "Low Density Residential District." [SR 1-2 (e) and SR 2-1 (b)]
- c. In the Site section of the report, Licensee provided an opinion of highest and best use but failed to summarize the support and rationale for that opinion in the report. [SR 2-2 (a)(xii)]
- d. In the Sales Comparison Approach section of the report, Licensee provided misleading information by failing to report the actual price ranges for comparable properties offered for sale and comparable sales. Licensee reported that there were 14 comparable properties offered for sale that had a price range from \$140,000 to \$165,000 and 14 comparable

sales that had a price range of \$140,000 to \$165,000. This reporting of the price range appears to be Licensee's search criteria rather than the actual price range of the comparable properties. [SR 2-1 (a)].

- e. In the Sales Comparison Approach section of the report, all three of the comparable sales used by Licensee were located outside the subject property's neighborhood. One of the sales was not comparable to the subject property in four aspects. The other two sales did not support Licensee's opinion of value. Licensee claims that there were a limited number of comparable sales. However, MLS records show that there were sufficient sales in the subject's neighborhood that Licensee could have used. [SR 1-4 (a)].
- f. In the Sales Comparison Approach section of the report, Licensee incorrectly reported the number of garages for one of the comparable sales and failed to disclose that she had done an appraisal of this property, which was her data source. Licensee also failed to provide a summary of her reasoning and support for her opinion as to the number of garages. She also failed to collect, verify, and analyze all information necessary for credible assignment results. [SR 1-1 (b), SR 1-4 (a), SR 2-1 (b), and SR 2-2 (a)(x)(5)].
- g. Licensee's workfile lacked support for adjustments made in the Sales Comparison Approach and there was no reference to another location for this data. [USPAP Record Keeping Rule].

18. 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).

19. 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 43 hours of education as follows:
  - a. National USPAP course (15 hours) (must be taken online).
  - b. Complex Properties: The Odd Side of Appraisal (7 hours).

- c. Residential Appraisal Review and USPAP Compliance (7 hours).
- d. Business Practices and Ethics – Appraisal Institute (6 hours).
- e. That's a Violation (4 hours).
- f. Appraiser Self Protection: Documentation and Record Keeping (4 hours).
- g. 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).
- h. 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:

  
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 :  
CAROL L. BERG, :  
LICENSEE. :

STIPULATION

**ORDER 0008668**

Division of Legal Services and Compliance Case No. 21 APP 062, 21 APP 067, and 22 APP 024

Licensee Carol L. Berg 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.

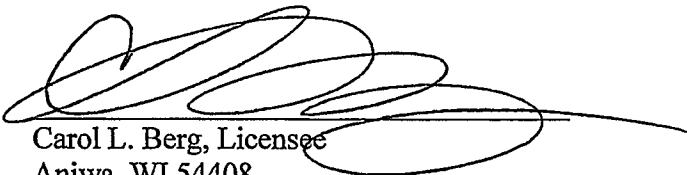
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

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.

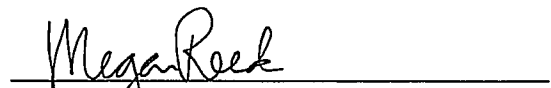
7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

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.



Carol L. Berg, Licensee  
Aniwa, WI 54408  
Credential No. 1062-9

7-5-2023  
Date



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

07/06/2023  
Date